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THE HON. DR. S. GURUBATHAM :—“ As far as Madras City is concerned, a separate question might be put, since the Health Minister is in charge of it.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the Government are aware that the Provincial Housing Committee has brought to their notice the deplorable state of affairs in the City, and what action the Government propose to take in the matter at any rate now, even if they have not taken it so far? ”

THE HON. DR. S. GURUBATHAM :—“ The Government have taken note of the report that has been published by the Housing Committee, and they are trying to put forth the schemes for improving the housing in the City, and trying to house people in different parts of the City. But there are many difficulties, such as the enormous cost of building, and the lack of the necessary capital, etc. Government are trying to do their best in the matter.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the non-availability of land for the construction of houses, is one of the difficulties experienced by Government, in the City? ”

THE HON. DR. S. GURUBATHAM :—“ No, Sir. There is plenty of land available in the City.”

SRI S. B. ADITYAN :—“ Is not the Hon. Minister in charge of Firka Development also in charge of Housing? ”

THE HON. DR. S. GURUBATHAM :—“ I am not in charge of housing in the City, Sir.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

GOVERNMENT BILL.

II.—THE MADRAS ESTATES (REPEAL AND CONVERSION INTO RYOTWARI BILL, 1.47 (L.A. BILL No. 37 OF 1947)—cont.

DEPUTY PRESIDENT :—“ Now we shall resume discussion on the Zamindari Abolition Bill. To-day we shall finish the general discussion; the Hon. Revenue Minister will reply at 4-30 p.m. I request hon. Members to keep up to the time-limit, and see that the general discussion is over by 4-30 p.m.”

“ The hon. Member Mr. Govindacharyulu will now resume his speech. He has already taken 40 minutes yesterday, and I hope he will be very brief to-day.”

K. UPPI SAHIB BAHADUR :—“ May I know, Sir, whether in the matter of general discussion on Bills, there is any rule limiting the time to be taken by any hon. Member, or the number of days allotted for the discussion? ”

DEPUTY PRESIDENT :—“ The other day, I had a talk with the Leader of the Opposition, and he agreed that three days

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will be quite sufficient for a general discussion, and so we will finish the discussion to-day. On Monday the 22nd instant we shall take up amendments."

K. UPPI SAHIB BAHADUR :—" May I know, Sir, whether that decision to limit the time to be taken by hon. Members has been done with the consent of the House? This Bill being a very vital one, many hon. Members will like to take part in the general discussion, and therefore I request the Deputy President to allow some indulgence in the matter, take the sense of the House, and know the feelings of hon. Members in general."

SRI R. SURYANARAYANA RAO :—" I am sure, the Leader of the Opposition was not aware that members on the other side also will be taking part in the debate. I request therefore that we on this side of the House, should be given as much time as those on the other side of the House."

THE HON. DR. T. S. S. RAJAN :—" Hon. Members of the House are members of the House, whether they are seated on this side or that side of the House. In any general discussion, every member has got a right to speak, whether he is seated on this or that side of the House, i.e., irrespective of the seat he occupies in the Council."

THE HON. SRI KALA VENKATA RAO :—" Even in the Lower Chamber, where there are about 215 members, only three days were taken for the general discussion."

K. UPPI SAHIB BAHADUR :—" The time taken in the other House, is certainly not the guide for us. We have to take the sense of this House, and see whether there are not many more members who wish to take part in the discussion."

* SRI A. GOVINDACHARYULU :—" Sir, in view of the economic condition of the inamdars, we had no option but to approach the High Command, which was good enough to give some directions. Our revered party leader, the Hon. Premier was kind enough to bring about a compromise with regard to this inam question, and I would only like to say that some of us who were a party to that compromise have stood by it, while I am afraid the Hon. the Revenue Minister who was also a party to it, has gone off the track, and somehow brought in these 1936 inams also within the purview of this legislation."

" In sub-clause (4) of clause 1, it is said : ' This section and sections 2, 4, 5, 7, 8, 9, 62, 67 and 68 shall come into force at once; and the rest of this Act shall come into force in regard to any zamindari, undertenure or inam estate, on such date as the Government may, by notification, appoint."

" In sub-clause (7) of clause 2 " inam estate " means an estate within the meaning of section 3, clause (2) (d) of the Estates

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Land Act, but does not include an inam village which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936.'

"By virtue of these clauses, the Bill virtually becomes in effect an Inams Abolition Bill, and not a Zamin Abolition Bill, because only in respect of the inams, the Bill comes into effect at once, whereas in respect of the zamins, it comes into effect after a notified date.

"Sir, just now I was referring to the compromise arrived at, to exclude the 1936 inams from the purview of this Bill. But in clause 9 of the Bill we are prone to see some mischief being done. Of course, I do not attribute any motive to the Hon. Revenue Minister. He might have done it, with the best of intentions perhaps. Clause 9 deals with the question of the determination of inam estates, as defined in sub-clause (7) of clause 2, where rightly these 1936 inams have been excluded. But in clause 9, the Hon. Revenue Minister has brought, if I may be permitted to say, by a backdoor method, these 1936 inams within the scope of this Bill. For, sub-clause (1) of clause 9 says: 'As soon as may be after the passing of this Act, the Settlement Officer may *suo moto* and shall, on application, inquire and determine whether any inam village in his jurisdiction is an inam estate or not.'

THE HON. SRI KALA VENKATA RAO :—“But not for the purpose of abolition of inams, Sir.”

SRI A. GOVINDACHARYULU :—“But the Settlement Officer himself will abolish them by saying that such and such an inam does not come under the category of 1936 inams, but comes under the '1908 inams'. And once he pronounces a verdict in the matter, there is no appeal for it, except perhaps to the Tribunal which may simply confirm his opinion. And after all, the Tribunal and the Settlement Officer are to be appointed by the Government, i.e., by our Hon. Revenue Minister in conjunction with the Revenue Board. And there is therefore good reason to suppose that the Tribunal will simply confirm the judgment of the Settlement Officer. Not only this. By virtue of sub-clause (4) (c) of clause 9, 'The decision of the Tribunal under this sub-section shall be final and not be liable to be questioned in any Court of Law,' the Tribunal becomes the last and final authority in the matter, against which there is no appeal at all. Further, in sub-clause (7) of clause 9, 'In the absence of evidence to the contrary, the Settlement Officer and the Tribunal may presume that an inam village is an inam estate.' I do not know why the Settlement Officer is empowered with such wide and sweeping powers as these. The Hon. Minister the other day while introducing the Bill, was pleased to observe that these are merely consequential clauses. If it is so, then I would very well suggest to him an easier way of doing things, only if he is prepared to follow it. (Interruption).

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" Sir, the classification of these inams into the two important categories of 1908 and 1936 inams, is quite easy. For, 1908 inams are exactly those that come under the operation of the Estates Land Act of 1908, where the right to collect rent only was granted to the inamdar, as will be easily seen from a close examination of the sanad. As for the other inams, I would only say that they should be exempted from the operation of this Bill, and reserved for a future legislation which the Hon. Revenue Minister proposes to bring in very shortly. This will also be in accordance with the consistent policy of exclusion of inams, urged by us all.

" Then, Sir, the Bill provides for an appeal to the High Court, only in respect of the question of the distribution of compensation to the zamindars. But no such thing is provided in the case of the determination of the inam estates. I ask which is the bigger question—the distribution of the compensation, or the determination of the inam estates? I submit, Sir, that decidedly the latter is more important, and hence an appeal to the High Court must be provided for, in respect of this matter. We have been finding nowadays provisions of this kind, in various measures that have been brought before us, restricting the authority of the High Court. Somehow, it has become a virtue or vice—I do not know which—with our Government, to have incorporated provisions of this nature in all major Bills. After all, what is the purpose for which we maintain the High Court? Is it for the purpose of shelling out a good amount of money from the public revenues? (Interruption).

" Sir, there is a Telugu proverb which says that while the rat is under the cat, the cat feels joy but the rat is afraid of its life. The inamdar is anxious about his one acre and 1½ acres of land while the Hon. Minister sits here quietly rejoicing. The Settlement Officer and the Tribunal may give their own decisions. The aggrieved parties have no right to go to a court. That is why I say that this Bill deserves to be put in the waste-paper basket.

" All the clauses of the Bill have been cleverly manoeuvred against the inamdars. The consolidated intelligence of the Hon. Minister Sri Kala Venkata Rao is found in this Bill in the shape of something or other against the inamdars. Clause 9 (3) refers to 'evidence either oral or documentary'. All the documentary evidence from 1802 onwards will be on the side of the inamdars. In determining whether an inam is a 1908 inam or a 1936 inam, why should oral evidence be taken from the ryots who may claim occupancy rights? The Hon. Minister has cleverly put the word 'oral' here. He has brought some 4,000 villages of the province into the scope of litigation. To determine whether all these are 1936 inams or not, the inamdars have to appear before the tribunals and discharge the burden of proof and get a certificate. Is this the way to exempt the 1936 inams and honour and implement the recommendations of the High Command?"

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K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Sir, we are not aware of what exactly the instructions of the High Command are and we should like some light to be thrown on them.”

* SRI A. GOVINDACHARYULU :—“ When the time comes I will do it. I do not exactly see the reason why the Hon. the Revenue Minister has introduced the new clause 9 which was not placed before the Select Committee and the Congress Party. I do not know whether he has obtained the permission of the High Command to have the clause in this form.”

THE HON. SRI K. MADHAVA MENON :—“ I rise to a point of order, Sir. We are not concerned with the High Command in this House. The question whether the High Command was consulted is out of order.”

DEPUTY PRESIDENT :—“ I think so.”

SRI A. GOVINDACHARYULU :—“ The day before yesterday the Hon. Minister brought in a reference to the Congress manifesto. When a question regarding the Congress manifesto has been brought in, that is exactly a question relating to the Congress High Command.”

DR. V. K. JOHN :—“ Sir, we should not affect the rights of members to express their opinions in any manner they like. The hon. Member is saying that the introduction of clause 9 is arbitrary. The manner of expression must be left to him and not to the Hon. Minister for Agriculture.”

THE HON. SRI K. MADHAVA MENON :—“ Dr. John may plead for the member as an advocate outside the House but not in the House. I did not say anything about the manner of expressing his views. I raised a specific point of order that we should not refer to things with which we are not concerned and about which we cannot give a proper explanation, and that things like the discussions in our Party and the instructions of the superior body like the Congress High Command, are not relevant to the discussion here. I raised that point of order. I did not arrogate to myself to say how a member should express himself. The election manifesto is a public document and it may be referred to, but not the instructions of the High Command.”

DR. V. K. JOHN :—“ Sir, there is a reference to the High Command in the statement of objects and reasons appended to the Bill.”

THE HON. SRI KALA VENKATA RAO :—“ The Congress election manifesto is a public document, on the strength of which the Congress Party has been returned to power. Hon. Members may refer to the manifesto, but not to the confidential correspondence between the national executive and the local executive of

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the Congress Party. Nobody has a right to refer to it. We are here guided by the proceedings that take place here and not by the consultations that go on outside this House."

THE HON. SRI K. MADHAVA MENON :—" Sir, I am very sorry for the wrong statement of the hon. the Leader of the Opposition. The Statement of Objects and Reasons does not mention one word about the Congress High Command. It only speaks about the election manifesto of the Congress."

SRI R. SURYANARAYANA RAO :—" Sir, the Hon. Minister for Agriculture is perfectly right in saying that we have no right to refer to anything but published documents. But yesterday when I was speaking about the intermediaries referred to in the Congress election manifesto—I do not know whether it has been reported—the Hon. the Revenue Minister said that another interpretation has been given to it by the High Command or the Congress Working Committee. We do not know what these things are. It is because the Hon. the Revenue Minister brings in a reference to these matters that all this trouble arises. No reference need be made to people who are not connected with the Legislature and no reference need be made to documents which are not published. I think Mr. Govindacharyulu can make out his point that clause 9 is unnecessary. He has pointed out that it was not placed before the Select Committee."

DR. V. K. JOHN :—" On a point of order, Mr. Deputy President. The Hon. Mr. Madhava Menon said that no reference is made to the Congress High Command in the Statement of Objects and Reasons. He read only the first sentence. The second sentence of the second paragraph says : ' The Working Committee pointed out that such reform involved the removal of all intermediaries . . . ' Who is this Working Committee? Is it not the Congress High Command? Therefore the hon. Member is perfectly in order in referring to the High Command. I submit hon. Members must be given perfect freedom to discuss this Bill and express their opinions in any manner they like."

THE HON. SRI KALA VENKATA RAO :—" The Working Committee referred to there is not the High Command. As far as the parliamentary programme is concerned, there is the Central Parliamentary Board and it is to the correspondence with the Board that the hon. Member is referring."

DEPUTY PRESIDENT :—" Anyway, let us not refer to the Congress and its organizations. Let us confine ourselves to the documents before this House."

* SRI A. GOVINDACHARYULU :—" With regard to clause 9, all the records, the *dowls*, and so on where there is an enumeration of the cattle, etc., are with the Government. If the inamdar is to prove his case, if the burden of proof is thrown on the inamdar, he must have access to the records. It has not been stated in any

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clause that the Government is bound to supply such records available with them either to the Tribunal or the Settlement Officer when they have to determine whether an inam is a 1908 inam or a 1936 inam. Was it with the object of helping the inamdar that this clause 9 has been introduced? No.

With regard to compensation for the inamdars, in other provinces it is based on the present income. But here a circuitous method is adopted. The rent is reduced to the ryotwari rates, some deductions are made from it and the balance is taken as the basic sum and it is multiplied by some figure for arriving at the compensation. I do not know why all this mathematical calculation is introduced. We can straightaway take the present income as the basic value and multiply it by 10 or 15 or 20 times pay that amount and ask the landholder to quit. Then the Act cannot be questioned under section 299 of the Government of India Act. The constitutional High Command I mean the Governor-General and the Governor—may not stand in the way of the Act. Then the lifelong dream of my Hon. Friend Mr. Kala Venkata Rao to link his name with that of Lord Cornwallis will be fulfilled. Now the compensation that inamdars with one acre or even 40 cents of holding will get, after their rents have been reduced to the ryotwari level, after jodi, quit-rent, etc., have been deducted, and after a sliding scale is applied, will not be even 12 annas or one day meal. The Rent Reduction Act brings into operation the ryotwari rates. It is a wonderful Act. It speaks to the prudence and wisdom of my Hon. Friend, but it brings down the happiness of many families to mother earth. In West Godavari district, in certain villages where the ryotwari rates have been introduced, the rates have been reduced by half, one-third and three-fourths and meagre sums of four annas and five annas and six annas are left. In villages with delta dry and delta wet lands, an acre costs 2 to 3 thousand rupees and the annual income is about Rs. 100 to Rs. 150. The *Fort St. George Gazette* in my hand mentions a case where the existing rate of rent per acre is Rs. 6-6-0 and the rate now fixed is Rs. 2-12-0.

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"I have no time to recount here the many atrocities that are being perpetrated in the districts in the name of Rent Reduction Act. Nobody can say that this is 'rack-renting'. The history behind rack-renting and how it was dealt with in other countries must be read and understood before we name here anything as 'rack-renting'. Rack-renting does not simply mean higher rent than the rent prevailing in another area. Let me say, Sir, that for all that they are doing now, the Government of Madras will have to reap the result after the abolition of these zamindaris and I am sure the time will soon come when we will have to reduce the rent all round, otherwise the public in one body will rise against us."

DEPUTY PRESIDENT:—"The hon. Member has already taken an hour and fifteen minutes. He may finish now."

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* SRI A. GOVINDACHARYULU :—“ Only five more minutes, Sir. A certain case has come to my notice, in regard to the zamindari area. A lady inherited a village from her father and she had to go to courts of law and fight out her case up to the Privy Council. She spent about Rs. 80,000 of her income on that litigation for getting back that village which after all got her only Rs. 1,500 or Rs. 2,000. And when this Act comes into force, we all know what she will get after the Government take charge of the estate. And just because that village happens to be a zamindari area, she and her family will have to get out of her home and practically go abegging. And so far as inamdars are concerned, since there is no prohibition against selling and purchasing of land up to this moment, transactions are going on. Some people are selling and others are purchasing and every acre of wet land brings nearly Rs. 3,500 of purchase money. Then are we to dispose of the inani lands by giving the owners a few rupees? Is it justice; is it equity; are we here to be abused for taking away others' property, in the name of somebody, are we to rob one and pay another? No; I say we are here to treat A to Z with all the equity that is at our command. So, Sir, I submit, the purchase question should be treated on a different footing. The compensation to purchasers of inam lands should not be less than the money they had invested in purchasing such lands. I therefore suggest to my Friend, the Hon. Revenue Minister, that he should revise the whole Bill; there is no other alternative at all. To the best of my intelligence, I can say that this Bill is not going to become law though we wish it, because the Central Government are going to scrutinize every Bill of this nature coming from all the Provinces and I am sure they will lay down a single formula for all the Provinces. Thus, I am afraid we will have to discuss these matters again and again on the floor of this House. At any rate that is my hope (Laughter).

“ Since I have requested the Hon. Minister to revise this Bill, I should like to make the following suggestions which I consider to be very important and worthy of being acted upon. All lands under the cultivation of either the zamindar or the inamdar or the under-tenure holder must be given to him on patta; only, the land must be under his continuous husbandry up to the time of the coming into operation of this Act. Secondly, nothing will be lost if this Bill goes back to the Assembly and Assembly takes a day or two for reconsidering the provision. Again, I would earnestly request my Friend, the Hon. Revenue Minister in the name of humanity and in the name of compromises and adjustments in life, that all references to the 1936 inams, i.e., clause 9, etc., should be deleted from this Bill. It is not fair to keep those provisions here, though of course the Hon. Minister might have put them in with the best motives. Then, the High Court must be enabled to hear appeals over the decisions of the Tribunal. If you want, you may take away the Tribunal and give power to the Settlement Officer and over that officer, you may give power to the High Court to hear appeals. To be quite frank and plain, our suspicion is that the Settlement Officer and the Tribunal are going to be appointed by

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the Government or the Revenue Board which is under the control of the Minister; and we know at the same time that the Revenue Minister is dead against inams and against giving more money as compensation to anybody. Then again, I think the whole Bill could be drafted in three or four clauses if the present income is taken as the basis for compensation; all the other clauses can be easily left out. My other submission is that purchasers must be saved; and any compensation given to purchasers should be not less than the purchase amount. Either the compensation proposed here or the amount they have actually invested in the purchase, whichever is higher, must be given to the purchaser. My last suggestion, which I made in the Select Committee and which I repeat now is about the maintenance-holders of inamdars. Provision has been made for the maintenance-holders of zamindars and there is none in regard to maintenance-holders of inamdars. (The Hon. Sri Kala Venkata Rao: 'It applies to them also; estates include inams'.) I am glad I am told it applies. But as far as I can read the provision and as far as the opinion of learned lawyers goes, it is not so. Anyway, if the Hon. Minister assures me that it applies to inams also, I take it that he is willing to amend the Bill in such a form as to make the position clear and unequivocal. Sir, under the Hindu Law, the blind, the mute and the widows are maintenance-holders. The inamdars after all are poor people with three or four acres of land, and the portion they can give to the maintenance-holders will naturally be only one-third or one-fourth or at the most one acre. I therefore ask, can we not leave off such lands altogether? Otherwise, what will those poor maintenance holders do, I would like to hear from my Hon. Friend.

“With these words, Sir, I conclude my remarks.”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“Mr. Deputy President, Sir, I am obsessed with the feeling that I cannot pose as one who is well versed in tenancy legislation or in zamindars or inamdars or in under-tenure holders. The little knowledge that I tried to gain was through the courtesy of the Hon. Revenue Minister who, to my surprise and in my absence, put me down as a Member of the Select Committee. I hope, Sir, he will not regret that fact.

“I must say at the outset that in the Select Committee discussions and in the further stages of the discussions on this Bill, the Hon. Revenue Minister has proved himself to be thoroughly conversant with everything connected with tenancy legislation, with land tenures. I cannot even express all the words he said, about the ijaradars, mokhasadars and others. I took time to learn a great deal about such things, so much so that one day in the Select Committee I had to tell him that if he would only submit a thesis on land tenure law for a doctorate degree in the University of Madras—of course I did not promise it because I cannot be an examiner myself—it was more than likely he would be granted such a degree. While complimenting him therefore on the exceedingly good knowledge he has got on the subject, I cannot at the same time

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refrain from saying that in the course of the discussions from the beginning when he introduced the first Bill up to this stage, so many changes have been enacted that the original Bill is completely out of shape and cannot be recognized by anybody. I shall go into these details later, but it just shows one important lesson that we have got to bear in mind, that in a reform like this, so many complicated issues arise that it is impossible for us to pre-conceive what should be the nature of the reform when it is actually introduced. I have no doubt whatsoever that while many Bills introduced by this Government will be the subject of endless litigation, this Bill for the abolition of zamindaris will go down in history as the most contentious, the most difficult and the most contradictorily worded Bill that has ever been passed by any Legislature. But, in spite of this fact I then said that I did feel there was no other alternative for me but to support the Bill for the abolition of zamindaris. And may I explain why I said that? Forces had been let loose, influences had been working to such an extent, prejudices had been created to such an extent, that it was impossible for a zamindar in the future to maintain his zamindari, to collect any rent worth mentioning, to get the lands cultivated in the manner in which they ought to be cultivated; and I found to my surprise and regret that both in the other House and in this House the zamindar had been painted as the villain of the piece—no adjective had been considered to be too superlative in regard to the zamindar who had been described as the worst specimen of humanity that ever was born in the world. Sir, with due deference to those who have mentioned these, I should like to enter a caveat that it is exceedingly unfortunate that while in the public platform and even in the press such epithets should have been used, on the floor of the legislatures of this Province also anybody should have so far forgotten himself as to use such expressions. It only shows the degeneration of democracy that is rapidly sweeping over us.

"Sir, there are good men and bad men, good zamindars and bad zamindars, good lawyers and bad lawyers, good doctors and bad doctors, good legislators and bad legislators, good Ministers and bad Ministers also. I have only to point to the discussions that are now taking place in Great Britain with regard to the lapses of some of the Ministers in the House of Commons.

"It seems to me, Sir, that this attitude of mind to give the zamindar a bad name and hang him is entirely reprehensible and should never be encouraged. While I am surprised at such an attitude, I must also confess that it seemed to be extraordinary that there should have been so much of leniency shown when it came to the question of inamdars regarding the compensation and the manner in which it had been dealt with. The zamindars were the persons who had been responsible for the creation of inamdars. There are Rajahs and Nawabs who are now being turned out bag and baggage out of their estates who were also responsible for granting quite a large number of inams. It is presumed that the only moment that the zamindar was safe and could be trusted

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to have acted soberly was when he gave an inam and not afterwards; the zamindar should go and the inamdars must remain. I personally feel that if a tenancy legislation is to be a success it ought to be possible for us to evolve a method by which adequate compensation should be paid both to the zamindar and the inamdar. I do not for a moment suggest that the inamdar should be left out of account; but when you try to emphasize the fact that the inamdars are going to suffer and at the same time utterly ignore the zamindar, I say that that attitude of mind requires further scrutiny. After all is said, we know the reasons why some of these inams had been given and the less we scrutinize the history of all these inams as a whole, the better it would be for our own peace of mind.

"I have here, Sir, a copy of the old Bill; I have here the Report of the Select Committee and the draft Bill framed by the Hon. Minister on the basis of the Report and I have here the Bill as passed by the Legislative Assembly. I confess I had to spend a couple of hours trying to unravel the intricacies of the various changes made on the original Bill up to its final exit from the Assembly. I realize that this Council will not be in a position to change one comma, one colon or one full stop. As it has done hitherto it will continue, in spite of the vehement protests of my esteemed friend Mr. Govindachari who took one hour and twenty minutes speaking about the inamdars, to cross the T's and dot the I's in all Bills that are passed by the Legislative Assembly. If I intervene in this debate and take up the time of the House, I do so with the certain knowledge that I can do nothing at all to alter a single clause of the Bill. The Leader of the Opposition and my hon. Friend Mr. Suryanarayana Rao have given notice of certain amendments but I am sure they will be consigned to the waste-paper basket and are not likely to see the light of the day. That was the reason why I refrained from giving any amendments of my own although I had some suggestions to make. It is in the hope that what we speak will one day be taken note of by a future Legislature, when we are all quite sober after the introduction of Prohibition and are in a position to consider dispassionately what the claims are and how they have been dealt with.

"Righteousness exalteth a Nation. Whether you pay 20 crores or 25 crores, it does not matter. Even if one has got to beg in the street, the Hindu Law lays down that the son should clear off his father's debts. There are instances within your knowledge where people have suffered all difficulties and cleared the debts of their father so that they can live an honourable life. Honourable dealings on the part of a nation are more exalted when they are followed by them, than by the ordinary individual. But I am sorry to say, Sir, that this Bill is redundant with unfortunate examples of western uncivilized life in the matter of expropriation of rights of landholders. I do not blame the Hon. Revenue Minister; this Bill has now been passed by the Legislative

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Assembly; all the criticisms made there up to the stage of the passage of the Bill do not count and even the Cabinet does not count and it is from that point of view that I shall address myself to the details of the Bill before the House. Before doing that, I wish to invite your attention to the difference that exists between the Preamble and the Statement of Objects and Reasons of the Bill that was introduced in 1947 and the present Bill that has been presented in 1948 without the Statement of Objects and Reasons. The Preamble at least can be taken into account if not the Statement of Objects and Reasons. The Preamble purported to repeal the Permanent Settlement acquire the interest of zamindars, inam-dars and under-tenure holders in permanently settled and certain other estates in the Province of Madras and introduce the ryotwari settlement in such estates and the Preamble to this Bill reads:—

'to provide for the repeal of the Permanent Settlement, the acquisition of the rights of landholders in permanently settled and certain other estates in the Province of Madras and the introduction of the ryotwari settlement in such estates.'

I hope hon. Members will see the difference, which is a vital one in my opinion. It was necessary in view of the several changes that have taken place as it went through the Legislature. In regard to the Statement of Objects and Reasons, may I say this: if it is not necessary to repeat it, is it to be taken that it holds good even in respect of this Bill. I would like to read out to you what the Hon. Minister said in the other House:—

'In the election manifesto that the Working Committee issued in December 1945 it was urged that the reform of the land system was urgently needed. The working committee pointed out that such a reform involved the removal of intermediaries between the peasant and the State and the rights of such intermediaries should be acquired on payment of equitable compensation.'

No distinction was sought to be made between one class and another; no differentiation was sought to be created between those who would get a higher compensation and those who would be getting a lower rate of compensation. Adequate compensation in the English language means only one thing and that is that it should be equitable irrespective of all other considerations which have been introduced into this Bill. When Government acquire a building, do they consider whether it belongs to my Friend Dr. John who can afford to lose a lakh or do they consider that it belongs to a much poorer man, a doctor like myself, who cannot afford to lose anything. (Laughter.) The Land Acquisition Act makes it quite clear that in the matter of acquisition of property, the Government shall not make any difference between man and man based upon his circumstances in life or any other condition, his political theories or such other irrelevant matters or even his ancestral rights. Does this Bill seek to do it? In every clause, in every sentence, there is this inequitable method of compensation and are we, as the Legislature, to be asked to give our consent to such inequitable methods of compensation? I, for one, would

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like to enter my emphatic protest against this method of differentiation which in itself is likely to become endemic with the growth of the present trends of democracy. The Hon. Minister is not aware what he is letting himself in for and the country for; the whole attitude and moral responsibility that ought to be brought to bear on such things will change when these methods of compensation are introduced; I am not speaking for the zamindar, I am not speaking for the inamdar nor am I speaking for the under-tenure holder; I am speaking because justice and equity are the only things that you ought to keep up in all your transactions and if you as the first great democratic party which has been returned to this Legislature fight shy of facing justice and equity and demand that you should utilize your power to defeat the ends of justice, you are not only doing great disservice to yourselves but you are perpetuating that disservice and doing much greater harm than you imagine to posterity. Unless you are prepared to say that you are going to take your ideals from other nations which have a far different view of things and to shatter to the winds the principles of decent democracy, you have but only one alternative and that is to scrap the whole of this thing and to say that you face the situation fairly and squarely, not in the interests of this or that class but in the interests of truth and fairness and justice and equity and on those grand moral virtues which every religion in this world inculcated from time immemorial.

“First of all take a few of the sections of the Bill. Let me take the question of the grant of ryotwari pattas, clause 11 (b) which says—

‘Every ryot in an estate shall, with effect from and on the notified date be entitled to a ryotwari patta in respect of—

all ryoti lands

all lanka lands in his occupation immediately before the notified date such lands being in his occupation continuously from the 1st July 1939.

Provided that no person who has been admitted into possession on or after 1st July 1945, except where Government after an examination of all the circumstances, otherwise direct.’

May I ask the question why does the Government want to take this power and is the Government competent to enquire into the circumstances? If you do want to enquire into the circumstances would it not be best to leave it to the tribunal which you are setting up. Might I ask, what is the Government after all. It comes to this: The Hon. Minister may refer it to the Board of Revenue and the Board of Revenue sends it on to the Collector, the Collector forwards it to the Deputy Collector and it goes down to the Tahsildar, to the Revenue Inspector and finally to the karnam. Knowing as we do, the exceedingly harmonious relations that exist between the different people in the villages, the karnam knows how exactly to frame his answer on what the Hon. Minister wishes to do in regard to an important property right.

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Would it not have been better and safer and in the interests of democracy itself ever to remember that in a democracy it is very easy to throw mud at the Government for various acts done by subordinate officers and that is the great danger of democracy—that people who possess a little authority will always exercise that authority to the fullest extent. The village karnam will say: I am the Revenue Minister and therefore, I say that this person shall not be admitted.

“Let me take clause 12 (b).”

THE HON. SRI KALA VENKATA RAO :—“It was done because some zamindars were trying to assign lands so as to escape this legislation. This has been done to prevent it.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“But regarding the authority to prevent it; unfortunately, it is the village karnam and not the Hon. Revenue Minister. That is my contention.

“Let me take clause 12 (b). It says that the landholder shall be entitled to a ryotwari patta in respect of lands which had been acquired by him by inheritance or succession provided he had cultivated such lands himself or by hired labour from the date of such acquisition or the 1st July 1939. I wish to know what is to happen to lands which have been cultivated after this date. What are the provisions that the Government have in view with regard to the acquisition of those lands and the proper cultivation of those lands. It seems to me that there is a lacuna. You have not made any provision for these lands to be taken care of by anybody and the result of that will undoubtedly be that these lands will be in the unfortunate position wherein nobody can claim ownership and nobody will be in a position to take charge and the Government itself, I know perfectly well, will not be in a position to take charge of them for the purpose of cultivation. And on that aspect of the question I shall ask my hon. Friend the Food Minister to support me in my contention and at the time when it is taken up, I shall put this forth irrespective of other consequences and I will wait to see whether he would do it or not.”

The House rose for lunch.

(After lunch 2-30 p.m.)

* SRI B. BHIMA RAO :—“Sir, before the Hon. Dr. Sir Lakshmanaswami Mudaliyar resumes his speech, I should like to point out some constitutional difficulty and therefore I request you to give a ruling after consideration. I find from the speeches of Dr. Sir Lakshmanaswami Mudaliyar as well as from Mr. Govindacharvulu that clause 9 has been newly introduced by the Revenue Minister after the submission of the Report of the Select Committee on the 15th June 1948. In that report all the amendments of the Select Committee have been printed in very thick types and later on probably in the course of the discussion in the Assembly, the Hon. Revenue Minister thought it fit to introduce this section 9.

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Sir, is it constitutionally appropriate for the Revenue Minister to introduce such a section by means of a surprise movement and spring it upon us. I feel, that when he introduced a new clause like that, he ought to have placed it before the Select Committee for reconsideration. Well, we had selected seven people from this House. They are wise and intelligent gentlemen. We had entrusted this consideration of the Bill to them because it is a very important Bill and when they considered and submitted the Bill as amended which is published in the Gazette on the 15th June 1948, is it quite appropriate for the Hon. Revenue Minister to sit in judgment over them, who were elected by the verdict of this House, and introduce a clause like this. Therefore, I request you to consider the matter and give a ruling on it later on. I do not want it at once."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Sir, may I suggest that this point of order may be raised after the general discussion is concluded when many of us would like to take part in the point of order that has been relevantly raised by my hon. Friend Mr. Bhima Rao."

DR. V. K. JOHN :—" Sir, I support the suggestion of Dr. Lakshmanaswami Mudaliyar."

THE HON. SRI KALA VENKATA RAO :—" Sir, this is a wonderful point of order. If it were so, the Government cannot move any amendment in the Select Committee much less a private member. But we will discuss it in due course."

DEPUTY PRESIDENT :—" The point of order will be taken up on Monday after the general discussion is over."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Sir, just before we adjourned, I was referring to clause 12 (b) and asked the question, 'What are the measures that the Government have undertaken to take charge of those lands which will no longer be in possession of the zamindar although he might have cultivated them after 1st July 1939?' Sir, virtually these lands which have been cultivated by the zamindar, are not going to be given back to him. And this Act does not make a provision for it. But have the Government any measures, and if so, would they be prepared to acquaint this House with the steps they have taken to see that the land which is cultivated is continued to be cultivated and if so, under what circumstances?

'Now, I come to another clause, clause 12 (b) (ii). It is stated that 'all lands which were properly included or which ought to have been properly included in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, but not including purchase at a sale for arrears of rent'. Sir, this section virtually means that no consideration need be given as to the manner in which the purchase was made at a sale for arrears of rent. Here again is a condition which vitiates against, what is called, the equitable compensation. I know the argument that is advanced that these arrears were brought about

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falsely and that too, under undue pressure from the zamindars. I am conversant with all these arguments. But, I ask, is it not necessary that there should be some investigation into the causes of these arrears of rent and what was the amount of arrears of rent? Is there any reason that this matter ought not to be further investigated? Is it right on the part of the Government not to recognize any purchase made on account of arrears of rent and that it should not be compensated? Now, I shall point out with great deference the one great danger. When the Hon. Revenue Minister was present in Delhi, at that time a conference was held to consider the other great Bill being introduced in the Burma Legislative Council—the nationalization of land. I do not know whether he was present at the conference. But some of his colleagues were there."

DR. V. K. JOHN :—" Sir, may I raise a point of order. I invite your attention to the absence of all the Ministers of the Government except one in this House. I have had this point raised when the permanent President gave a ruling that all the Ministers ought to be present throughout the Session unless due to unavoidable circumstances they could not be present. Now, an important speech is made on this important Bill. Is it proper that only one member of the Government should be present to listen to the speeches made from the Opposition Benches. In this connexion, I can assure you that we will take no part in the discussion of this Bill, if the Ministers of the Government continue to treat this House with scant courtesy. At least the Ministers in the City have to be sent for and they should be here."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Sir, may I resume my speech? "

DEPUTY PRESIDENT :—" The Hon. Leader of the House has told me that he will be coming a little bit late. The concerned Minister is here."

DR. V. K. JOHN :—" Sir, I do not particularly refer to the absence of the Hon. Leader of the House. The other Ministers are also absent. I have had this point raised on a former occasion and a ruling was given that all the Ministers should be present unless it could not be avoided. Government's attention should be drawn to every speech made on this side of the House which cannot be a farce. We do not take part in a discussion which is a farce. Therefore, I ask you to keep the dignity of the House and see that the Ministers of the Government treat this House with respect and they are present when the Session goes on."

K. UPPI SAHIB BAHADUR :—" Sir, I must bring to your notice that the Ministers are very often absenting themselves and they treat this House with scant courtesy."

(The Hon. Revenue Minister rose from his seat.)

DEPUTY PRESIDENT :—" You can answer in the end."

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SRI R. SURYANARAYANA RAO :—“ Sir, when we on this side of the House or on the other side of the House make some observations, we would like all members of the Government to be present here and listen to them so that if there is some point of view raised, they can reconsider certain provisions of the Bill. Also they may be pleased to see the point of view presented here and may reconsider in their deliberations how far they could meet the criticisms offered in this House. I think it is advantageous to them and if I may venture to say, it will be an education to them.” (Laughter.)

SRI A. GOVINDACHARYULU :—“ Sir, even in the Government of India, the responsibility of the Ministers is a collective one though an individual member of the Government may be primarily put in charge of certain subjects and be considered a separate entity. And I remember that a ruling was given in the Central Legislative Assembly by the late Vithalbhai Patel that when a business was going on—whether it is of a non-official or official character—the whole Cabinet should be present in the House. So, I request you to see that in future all the Ministers are present. Let this House be treated with all the respect due to it.”

*** DR. V. K. JOHN :—**“ Sir, I wish to speak again on this point. When I was elected the Leader of the Opposition, I wrote a letter to the Leader of the House that all the Ministers should be present here and that letter was circulated by the Premier with a request that all the Ministers should make it a point to be present here and that they should as far as possible try to avoid tours during that time. Then the Hon. Leader of the House said that the Leader of the Opposition should be present throughout. With considerable inconvenience and also with loss, I am here throughout the Session to listen to the discussion and now I find only the Member in charge of this Bill is present. I again protest against it as it is derogatory to the dignity and prestige of the House. If they still continue to do so, I can assure you that the Opposition will not take part in the discussion any further.”

*** SRI C. N. MUTHURANGA MUDALIAR :—**“ Sir, may I submit that the Minister in charge of the Bill sitting here, is certainly executing the collective responsibility of all the Ministers in this House. No doubt, several times all the Ministers are present. At times some of them are absent. If they are absent, it does not mean that they are sleeping without doing any business. They are doing their business in their rooms or they might have gone elsewhere on Government business. To talk like this, that the absence of Ministers is derogatory to the dignity of the House or to the dignity of the Opposition, I cannot certainly understand, Sir. I do not think that Ministers are deliberately absent because they want to put the Leader of the Opposition to shame or any other Opposition Member to shame. It is beneath our dignity to talk like this. The Minister in charge of the Bill is here. He will certainly look into the matter. He will follow closely the discussion and after the discussion is over, he will discuss the matter

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with the Cabinet. To say like Mr. Govindacharyulu, that the Ministers have not done their duty by being absent and all that, is certainly irrelevant to the discussion." 2-45 P.M.

* THE HON. SRI KALA VENKATA RAO :—" Sir, I want to tell hon. Members of the House that there is absolutely no intention of treating the House with contempt. I do not know the earlier ruling given here; I am not aware of it. But in the other House, I can say, that throughout the discussions, which took a very long time, practically for most of the hours, I was the only occupant of the Treasury Bench hearing to criticism of members, trying to understand their point of view and trying to meet their demands within the competence of Government and consistent with their policy."

DR. V. K. JOHN :—" That is why this Bill is so bad."

* THE HON. SRI KALA VENKATA RAO :—" Perhaps that is the view of the hon. Member. I can say, Government have the support of millions of people. The hon. Leader of the Opposition only represents a section of the people; or that view may be that of himself or that of the party to which he belongs. To say that the Bill is bad, does not matter for us; because we are confident that in what we are doing or what we have done, we have the confidence of the majority of the electorate. Anyway I shall not dilate on this further. The other point I want to say is this. I can assure hon. Members of the House, that whatever directive you may give, Sir, whatever may be the arrangement to be made later on—I am not very much worried about it or the arguments advanced for and against it—to sit all the hours here is not binding on any hon. Member. Occasionally we find only seven or eight members here and we are seeing members of the House outside this House here, there and everywhere. Therefore when Hon. Ministers are free they will come here; there is no disrespect involved in their absence, and we do not intend the least disrespect to any member of this House including the Leader of the Opposition. I have no objection to convey the view of this House to the other Hon. Ministers."

* DR. V. K. JOHN :—" Sir, an important hon. Member is now speaking and I am sure Hon. Ministers would like to hear his speech. He was a member of the select committee, and we are now listening to his views, and it is but just that other Hon. Ministers should know what his views are; and if they are here they might consult the Minister-in-charge and might meet the wishes of this House. I have suggested on a previous occasion that when a Minister is absent he should let the President know why he is absent and the President should inform the House why he is absent."

SRI T. PURUSHOTHAM :—" ఆధ్యక్షా, ఈ సందర్భంలో శ్రీ జాన్ గారు చెప్పిన దానిలో అధిష్టున్నదిని నేను అనుకొంటున్నాను. ఇప్పుడు మన దేశంలో డిక్టేటర్లు పరిపాలన పోయింది. ప్రజా ప్రతినిధులు అధికారంలోకి వచ్చారు. ప్రజలు తమ ప్రతినిధులు శాసనసభలలో ఏమి చేస్తున్నారో తెలుసుకొనే రోజు లిది. ఆ విధంగా

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తెలుసుకోవడానికి వారు చాలా ఆతురపడుతున్నారు. కొన్ని కొన్ని సందర్భములలో శాసనసభలలో తమ ప్రతినిధులు వి విధంగా ప్రజాభిప్రాయాన్ని తెలియజేస్తున్నారు. పేషర్ల ద్వారా తెలుసుకొని నిరుత్సాహపడుతున్నారని కూడా ను. ఈ శాసనసభలో సభ్యుల మాత్రమే కాక ప్రెస్ రిపోర్టర్లు కూడా ఉంటున్నారు. వారు ఇక్కడ సభా కలాపాలు వి విధంగా జరుగుతున్నాయో వారి పేషర్లలో సాయంత్రానికిల్లా ప్రచురిత చేస్తున్నారు. ఈ విషయాలన్నీంటిని పేషర్ల ద్వారా మరుసటిరోజు ఉదయం తెలుసు కొని కొన్ని సార్లు ఈ జమీందారీ బిల్లును ఆసెంబ్లీలో చర్చించేటప్పుడు కోరంకూడా ఉండటంలేదని స్పీకరుగారు మూడు సార్లు బిల్లు ప్రూగించబడినప్పుడని తెలుసుకొని నిరుత్సాహపడుతున్నారు. ఇటువంటి పరిస్థితులు ఏర్పడడము చాలా హాస్యాస్పదమై నటువంటి విషయము.

DEPUTY PRESIDENT :—“ It is not relevant to the subject.”

Sri T. PURUSHOTHAM :— “ నేను చెప్పేది కొంచము ఓపికపట్టి కనుక్కొనినట్లయితే అందులోని సందర్భాన్ని బోధపడుతుంది. ఈ శాసనసభలో కొంత మంది ప్రతినిధులు సభ్యులు ఈ బిల్లులో “ రంగు ఉన్న దేకాని పింగులేదని అక్షిపాలు చేస్తున్నారు. ఈ విధంగా వారు అక్షిపిస్తూ అనేక విషయాలలో ఈ బిల్లు నిరుపయోగంగా ఉంటుందని తెలుతున్నారు. వారు ఇంత లీవంగా అక్షిపిస్తున్నా కోరం ఉన్న లేకపోయినా నేనొక్కడనే డిక్లరులులా ఇక్కడ ఉండి అన్ని అక్షిపాలును సమాధానము ఇస్తాను. ఇతర మంత్రులు ఉండడం అంత అవసరముకాదు అని రెవిన్యూ మంత్రిగారు అనడం నాకు బోధపడడంలేదు. ఈ విధంగా మంత్రులు పట్టణాలలో ఉండి కూడా శాసనసభలలో ఉండకపోవడం తెలుసుకొని మన మంత్రులకు శాసనసభా కలా పాలలో ఎంత శ్రద్ధ ఉన్నారో ప్రశ్నకంగా ఈ జమీందారీ రద్దు శాసనంలో వారు ఎంత శ్రద్ధ చూపిస్తున్నారో అని ప్రశ్నలు అశ్చర్యపడుతున్నారు. మేము మా కాన్స్టిట్యూ యెన్సిల్స్ వెర్షన్లను ప్రజలు ఈ విషయాలను గురించి మక్కులను అడుగుతున్నారు. ఈ విషయాల వన్నీంటిని మంత్రులు, సభ్యులు గమనించగోర్తాను. ఈ శాసనసభలో సభ్యులొక్కరికామందా, ప్రెస్ రిపోర్టర్లు కూడా ఉన్నారని, ఈ నాలుగు గోడల మధ్య మన మొక్కరిమే లేమని, మనము ఇక్కడ శాసనసభా కలాపాన్ని వివిధంగా జరుపు తున్నా మా రేపటికి ప్రజల paper ద్వారా తెలుసుకోగలరని గమనించి ఈ చర్యలలో మంత్రులకూడా వాల్టానవలసిందని కోరుచున్నాను. ఆవిధంగా చేయకపోవడం చాలా హాస్యాస్పదమై టువంటివిషయమని జాగ్రూ కోరినట్లుగా మంత్రులు ఇక్కడ ఉండడం సలబని, ఇది ప్రజాప్రభుత్వకాలమని మనవిచేస్తున్నాను.”

DEPUTY PRESIDENT :—“ Now that the Government have assured us through the Hon. Revenue Minister that they mean no disrespect or discourtesy to the Opposition or to any member in this House and that it is on account of exigency of office work or other important work that some of the Ministers are absent and that the Hon. Minister has assured us that he will convey to his colleagues the feeling of members of this House. I request the hon. Member, Dr. Lakshmanaswami Mudaliyar, to continue his speech.”

* DR. SRI A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, I thank you sincerely for allowing me to continue my speech. (Laughter.) In the first place I do not feel insulted for. I did not take serious notice of the absence of other Ministers. In fact I did not note whether they are present or absent. (Laughter.)

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But when attention has been drawn to it I do feel I cannot but say what I feel on it. It is not because I feel offended at it—for I can speak to walls, I can address empty benches—but because I feel that this Bill is one which ought to have the collective responsibility of the Ministry as a whole and it should not be left to any single Minister to bear the brunt of criticism. As I understand the principle of democracy, of which every member and every Minister should have been familiar, every Minister who is a member of the Cabinet is responsible for the action of every other Minister. (Hear, hear.) Otherwise they have not discharged their responsibility. I do not want that the amour-prop of the Hon. Minister for Revenue is wounded, but because it is an important fundamental principle of democracy I have to say it. Let me assure you, Sir, that I am not in any way injured by their absence.

" Sir, to continue my speech, I was referring to a particular clause, and I speak here with some hesitation; because this clause says 'but not including purchase at a sale for arrears of rent.' I was referring to the confabulations that were taking place in Delhi with regard to the Burma Nationalization of Land Act. I do not know whether hon. Members have seen the provisions of that Act; I do not know whether hon. Members read the speech of the Revenue Minister of Burma made in the Burma Legislature. For, I find there is a strange familiarity in the tone between that and the clause in the present Bill. Do you realize the danger when you say that you are not including purchase at a sale for arrears of rent, without ever going into the question whether it is a right sale or a wrong sale, whether it is an equitable sale or inequitable sale. You are denying thereby compensation to those who are entitled to compensation by virtue of purchase for hard cash, and therein I say you are once again giving a wrong direction to the country and doing a great disservice to your countrymen. I feel this will be a whip-hand to the Burma Legislature to deal with the expropriation bill, which is now on the anvil of that Legislature. It seems to me this is a point so pregnant of possibility of mischief elsewhere that Government should seriously think if amending the clause as it stands at present.

" Sir, I now come to clause 15 (1). It says, 'The Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a ryotwari patta under section 12, 13 or 14, as the case may be, and decide in respect of which lands the claim should be allowed'. 'The nature and history of all lands', it says; I do not know what 'history' means in this particular respect; how far are we to delve into that history: is the settlement officer to go to the Moghul Period; or is it to the pre-settlement days; or is it to the post-settlement days? What exactly is this officer meant to do? And to finish his work that officer ought to be an extraordinary man: for I cannot conceive of any one with all the wisdom with which he could be possessed to trace out the devolution of property. But that apart, Sir, what is the history he should investigate, how is he to investigate and for what period is he to investigate; are there any principles laid down

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by the Government for this; or will any principles be laid down under the rule-making powers of the Government. I would request the Hon. Revenue Minister to enlighten me on this point in his reply.

I now come to another serious problem, buildings in estates. I am amazed at the provision regarding buildings in estates. I do not know whether any hon. Member understood the full implications of it. It says, 'Every building situated within the limits of an estate, which immediately before the notified date, belonged to any landholder thereof and was then being used by him as an office in connexion with its administration and for no other purpose, shall vest in the Government.'

(At this stage the hon. Leader of the House, Dr. T. S. S. Rajan and the Leader of the Opposition, Dr. V. K. John were seen conversing across the table.)

"Sir, may I request the hon. Leader of the House to attend to my speech. (Laughter.) May I request the Leader of the Opposition also to listen to my speech; for he is holding his ears with both his hands. (Laughter.) It is a very important clause and I want him to follow my speech. I cannot conceive of any better example of expropriation in the whole world than this particular clause. Here is a landlord who spends his hard-earned money on putting up a building for his office so that he may give some comforts to his clerks and also he may as manager enjoy some comfort. But here comes a Government, who under the plea of 'Necessity knows no law' say, 'we want this building. When we take over the estate, we want a building to manage the affairs of the estate as an office building. So what are we to do. So we shall take the buildings situated in estates.' Sir, if this is not expropriation, what else is it?

"Take again those buildings which belong to religions, educational or charitable institutions. The clause runs thus: 'Provided that when such institution ceases to exist, the building shall revert to such landholder, or if he is dead, to his heirs or legal representatives.' How long is this enactment to go on, Sir? Is it for the next hundred years? Who is to determine who is the legal heir when those institutions cease to exist, so that they may revert to him? Suppose there is a college. Suppose in course of time, the Assembly decides that collegiate education is very bad and it should be abolished, signs of which I see already (Laughter) and the college is closed. Suppose this happens in the year of 1988. Does the Hon. Revenue Minister expect the then Government to look into the records to find out who is the legal heir so that a fair amount of compensation may be paid to him? Simply because Government have no money in their hands at present to pay compensation they put in a proviso here in the Bill, which will never be put into operation, because it is impossible to put into

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operation with the best will in the world. I think so far as this question is concerned Government should pay compensation now because I am sure the clause is unworkable.

“Then, Sir, take sub-clause (3) of clause 18. It says:

‘Where any building so situated—

(a) which belonged to any such landholder on the 1st day of July 1947; and

(b) (i) which on that date was being used by him as an office in connexion with the administration of the estate, and for no other purpose, or

(c) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institution

has, after the 1st day of July 1947 and before the notified date, been sold or made a gift of, by the landholder, or ceased to be used by him as an office as aforesaid, or ceased to be in the occupation of such institution, the value of the building shall be assessed by the tribunal in such manner as may be prescribed; and the tribunal shall pay to the Government such value from out of the compensation deposited in its office under section 41, sub-section (1).’

“The clause envisages sale after the 1st day of July 1947. 3 p.m. Suppose on the 2nd day of July 1947 a building was sold. The sale was *bona fide* because there was nothing to indicate to the gentleman concerned that such a legislation as this would be brought before the legislature. The Hon. Minister referred to various facts. He referred to the Congress Election Manifestoes which are like the laws of the Medes and the Persians. He referred to the fact that, when the Prakasam Committee sat for considering the question, the zamindars had taken note of it. He referred to the fact that certain Bills were published. But I ask: What made anybody imagine on the 2nd of July 1947 that buildings which had been purchased would be expropriated by the Government? Even the original Bill was published only in September 1947. Now the Government want the value of the buildings to be deducted from the compensation and paid to them. The Hon. Minister may correct me if I am wrong.”

THE HON. SRI KALA VENKATA RAO :—“The idea is this. In some cases the zamindars, soon after they got to know about the ordinance which was published in June 1947, began to alienate the *tanas* besides their other properties. It is only to prevent that that this clause has been introduced.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“Bad precedents should not lead to bad laws. That is one of the recognized principles of legislation.”

THE HON. SRI KALA VENKATA RAO :—“But how to prevent it?”

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DR. SIR A. LAKSHMANASWAMI MUDALIYAR:— That is a matter for separate consideration. I entirely agree that some method must be devised to penalize those who have taken advantage in that manner. It may be the constitution of a tribunal. I cannot suggest a method off-hand here and now, as I am not a lawyer. I say this method of taking away hits both good and bad people, and it hits the good people more than the bad people. Therefore we are not justified in adopting it.

"I come to clause 18 (6). 'If any question arises whether any building or land falls or does not fall within the scope of subsection (1), (2), (3), (4) or (5), it shall be referred to the Government whose decision shall be final, and not be liable to be questioned in any Court of Law.' This takes the palm in all expropriatory legislation. The Government are the beneficiary, the Government are the judge and the Government are the final authority to decide the question. Is it right that the Government who are to take possession of the building should themselves decide the question finally even where the other party is aggrieved? You have constituted tribunals. Would it not be in the interests of fair play and justice to leave the question to the tribunals to decide? Where the Government themselves are a party, they should not have taken the power to have the final say in the matter. Not only do they expropriate, not only do they pay no compensation at all and deduct from the compensation that is due, but they go further and say: We shall decide the question and nobody shall question our decision. I have absolute confidence in Government; I have always had great confidence in Government. But I say I have not got confidence in the executive machinery of the Government, which is certainly liable to commit grave mistakes. Let me not be misunderstood as implying that the Hon. Revenue Minister will not be in a position to do justice. He will not come into the picture and, if at all he comes, it will be on the rarest of occasions. Therefore in every piece of legislation affecting property which is more vital, as the world is constituted at present, than even life, he will take care to see that such clauses are not introduced.

"I come to the third proviso of clause 20. It says: 'Provided also that where such right was created for a period exceeding one year, unless it relates to the private land of the landholder within the meaning of section 3, clause (1), of the Estates Land Act, the Government may, if, in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.'

This is another of those clauses which affect certain persons very seriously. This refers to rights created by the landholders in mines, etc., which if it is the intention of the Government to take over in the public interest. In former legislative enactments of this nature, there was always the right of appeal to a Court of law. In this Bill all such rights have been taken away. As Mr. A.

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Govindacharyulu said, the one distinguishing feature of this Bill is that hereafter no law court shall have power to try any case or listen to any complaint whatsoever under the sixty and odd sections of this Bill. I ask: Is it right that the view of the Government about public interest should be above all possibilities of doubt or question by the other party? May it not be that other considerations than public interest veil themselves as public interest and demand such expropriation? It will be very hard for a person to prove before a tribunal that it is not in the public interest unless he has got very reasonable grounds. The Collector says: If this mine is not taken over, there will be a Communist rebellion in the district. The Revenue Minister asks 'Is it so?' and the Home Minister says 'Yes, it is so.' Then the mine is taken over. I should like you to pause and consider how, even with the best of intentions, sometimes miscarriage of justice may occur.

"I come to the scale of compensation for the taking over of the mining and other rights. I notice in passing that sub-clause (2) of clause 20 empowers the Board of Revenue to determine the amount of compensation and says that the Board's decision shall be final. Later on I shall refer to this Board of Revenue to congratulate it most heartily on the exceedingly important and valuable place it has secured in this particular legislation.

"With regard to compensation, as I mentioned in an earlier part of my speech, I for one refuse to think that what is provided for in the Bill is equitable compensation. If you do not want to give equitable compensation, you say so. Get a resolution passed saying: This legislature is of opinion that compensation should be based upon certain principles taking into consideration the value of the property, whether the proprietors are the descendants of zamindars, inamdars or under-tenure holders, what their social status is and things of that sort. I do not think that such a differentiation should be made. The income-tax slabs, for instance, are based upon such a differentiation. But you cannot use the expression 'equitable compensation' when it comes to a question of making a difference between person and person when you acquire similar rights from the persons concerned. The basic annual sum for the zamindars is different from that for the inamdars.

"I have been rather critical of the provisions of the Bill so far. May I also express gratitude, for in the Select Committee we were glad to note that the Hon. Revenue Minister yielded on two important points. He referred to one of them in his preliminary remarks and that is with regard to private lands. I should like, with your permission, to explain the position about private lands for a couple of minutes. In the original Bill, the definitions for private land were holus-bolus copied from the definitions contained in the Madras Estates Land Act of 1908. It was a brilliant piece of secretarial work which divested the Secretariat of all responsibility for original thinking. One of the definitions of private land in the Estates Land Act is that the land ought to have been in the

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possession of the landholder for the previous twelve years, i.e., from 1896. That definition was given not for the purpose of abolishing zamindaris but for the purpose of the Estates Land Act. To take that definition and apply it to the Bill for the abolition of zamindaris seems to me rather extraordinary. Therefore we pressed on the Hon. Revenue Minister and I am glad to say successfully that, if a zamindar had cultivated a land subsequently up to a particular date, if he had sunk all his earned income in bringing that land into a cultivable condition, if he had bought the accessories needed for cultivation instead of building bungalows in Ootacamund, Madras, and elsewhere or opening cottee shops in different places which he could easily have done and the income from which he could continue to derive even after the abolition of the zamindari, he should not be penalized for the 'offence' of spending all his income on the land. The Hon. Revenue Minister was sympathetic, the Hon. Premier was sympathetic, and a change in that direction was made.

"The other point with reference to which a change was made is about compensation. The original Bill provided for a deduction from the gross annual ryotwari demand of $8\frac{1}{2}$ per cent on account of establishment charges and 5 per cent on account of the maintenance of irrigation works. After a good deal of discussion, we were able to reduce the percentage to 5 and $3\frac{1}{2}$, respectively. I am grateful that this suggestion also was accepted.

"Another suggestion which I put forward was that in the case of inamdars, the deduction of administrative charges was not necessary. In fact, most of the inamdars, being small landholders, do not have the paraphernalia of an office to collect what is due to them. They go out early in the morning and return after making the collections or quarrelling with the tenants, and again in the evening they go out for the same purpose. As such, I ventured to submit that this 5 per cent deduction was not necessary in their case. I think in some respects it has been accepted that it is not necessary. I, as a member of the Joint Select Committee, want to express my thanks for these concessions. But the fundamental principles of the Bill could not be shaken or shivered in any manner in spite of all our eloquence and pertinacity. It must have been very trying to the Hon. Revenue Minister to reply. I know it was the hottest season of the year and the Hon. Minister should have had indeed a trying time in the meetings of the Select Committee.

"With regard to one particular matter, I failed to make any impression and that was with regard to purchased estates. What are these purchased estates? Persons have invested all their hard earned money and purchased estates in the open market for a fair and reasonable sum. There was no question of purchase at a sale for arrears of rent or in an auction. We pleaded that a more liberal compensation should be given to the purchased estates. It is not fair that a person who has purchased an estate for twenty lakhs should be paid a paltry sum of four or five lakhs at a time

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when the value of money has depreciated by one half. Yesterday the Hon. Revenue Minister said that this was the best time to pay compensation because there was inflation. May be, from his point of view, this is the best time. But that is another matter. But does he feel that we, as legislators, are doing the right thing or proper *Dharma* by making these people fall victims to a legislation which they could never have contemplated? I do not think anybody is going to suggest that there was a Congress resolution prior to 1920 regarding the abolition of zamindaris. Even if there was one such resolution, there are estates which were bought before that year."

SRI A. GOVINDACHARYULU :— "There was no such thing."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :— "I take the statement from the historian of the Congress. (Inter-ruption.) I correct myself. I take it that what the Chela of the historian says is true."

"But, Sir, let me proceed to another example with which I hope, you Mr. President, will at any rate sympathize. There are certain educational and charitable institutions which have purchased lands in these zamindaris. What is their position under this Bill? It is the hard-earned income from the devotees of the temples which helped them to purchase these zamindaris. Sir, I refer, in particular, to the Tirupati temple, the Devasthanam Committee of which you are the distinguished President at present, and I hope, Sir, that your position as the Deputy President and acting President of the Legislative Council will be used to see that the Government change their views at least in regard to temples like these. Was there any reason to believe that when this amount was spent for the *bona fide* purchase of these zamindaris, by these institutions, they would be deprived of their income from such lands? Yet you put them all in one category and brandish your sword right through making a clean sweep better than any mechanical means of butchery. I submit, Sir, that we must consider these things more carefully, not for the sake of the zamindars—I am not interested in them—but for the sake of those principles which, I am sure, the Hon. Minister for Revenue has at heart, as much as anybody else, for he is a greater devotee of the Hindu temples and also perhaps knows more about Sanathana *Dharma* and *Dharma* Sastras than I can pretend—and I therefore appeal to him to realize his duties both as a devotee and as a mentor of those Sastras to give us a proper lead in this direction."

"Sir, I now come to another part of the Bill, dealing with compensation. Section 40 (1) of this Bill is a delectable piece of study indeed. The zamindars are there and they are going to be hunted out. The inamdars are also there; they are small and are waiting to know what is to happen to them. What is the Hon. Minister for Revenue proposing to give them through this legislative enactment? The compensation proposed to be paid under

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section 40 (1) is so very vague in regard to its form, manner, time and instalment, that the zamindar or the inamdar does not know where he stands and when he would get the same. It is stated that later on some rules are to be framed and later on they are to be placed somewhere and in the mean time the whole thing will go on, nobody knows where; and Sir, the wonderful part about this is that 'such rules shall be subject to the approval of the Provincial Legislative Assembly.' (Interruption.) My hon. Friend Dr. John is getting very angry at this. I am sure he had read this provision in the clause. Has this Legislative Council no voice in regard to these rules?"

DR. V. K. JOHN :—" I have given notice of an amendment to this clause."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I am glad to know that, Sir. For what reason and on what score has the Legislative Council been deleted from this provision, while you took us into the Select Committee on this Bill? Perhaps it was an act of grace, which you were not bound to do."

AN HON. MEMBER :—" Because the Council is going to be abolished under the new Constitution."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" If the hon. Member can assure me that these rules will not be brought into force until this Council is abolished, I have no objection to this House not being asked to approve them."

THE HON. SRI KALA VENKATA RAO :—" I may submit, Sir, that in the original Bill we put it as the Provincial Legislature, but it was the Select Committee that altered it into Provincial Legislative Assembly, because the argument that was advanced therein was that the Lower House alone has got financial powers and that these rules relate to financial matters."

DR. V. K. JOHN :—" I hope this House will at least now amend the provision and accept the amendment which I have given notice of."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Sir, I am not prepared to swallow the bogey of finance. There is no question of finances being involved in these rules and it is a wrong interpretation to say that rules regarding compensation involve finance. Rules relating to compensation are entirely different from matters of finance requiring the specific sanction of the Legislature. Let us not still further attenuate the powers and responsibilities of this Council. If you do not want this House, well then, abolish it altogether, but do not say that this House has no powers to discuss financial matters. Sir, I am only surprised that this argument should have been swallowed by so clear-thinking a gentleman like the Hon. Minister for Revenue in the Select Committee."

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AN HON. MEMBER :—“ Why did not you object to it then? ”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ I am sorry, I was not present at that time.”

THE HON. SRI KALA VENKATA RAO :—“ It was the unanimous decision of the Select Committee, Sir.”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Except one absent Member.” (Laughter.).

SRI A. GOVINDACHARYULU :—“ I was not also aware of it, Sir.”

AN HON. MEMBER :—“ He was present in the Select Committee, Sir, at that time.”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Whatever that may be, Sir, it has now come to the fore and if you do not want us to approve these rules finally, you must at least give us an opportunity to express our views on them. I hope the Hon. Minister for Revenue will now at least consider this point. It may be that we may not have anything to say or that our views may not be worth listening to by him. But to take away from this House the privilege of even merely expressing our views on such an important matter, when rules are everything and the Act is nothing, passes my comprehension.”

THE HON. SRI KALA VENKATA RAO :—“ It will be something like the general discussion of the budget.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, I am not going to yield to the argument that this is a financial measure. At that rate no rules can be submitted to this House, because directly or indirectly, everything will have something to do with finance and on that score this House should not be precluded from discussing them. To say that the budget alone can be placed before this House for discussion and not other matters relating to finance, is absolutely wrong. I challenge any hon. Member to produce an authority which will validate the contention that the rule-making powers of this Legislature come under finance. They may affect finance, but they are not finance themselves.”

“ Sir, even in regard to these rules, I want to draw your attention to section 44 (3) which states that, ‘ a copy of every rule made under sub-section (2) shall as soon as may be after it has been made, be laid on the table of the Provincial Legislative Assembly ’. I submit, Sir, that even the Legislative Assembly has got no powers under this clause to discuss or approve these rules. These rules will only be laid on the table of the House even as so many of these paper-weights are laid on the table. (Laughter.) Are we to understand that these rules should not be discussed at all even by the Assembly? ”

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THE HON. SRI KALA VENKATA RAO :—“Sir, even to-day, these rules are being discussed by the Legislative Assembly. When we make laws, we usually adopt the language commonly used in all similar enactments in regard to the rule-making procedure and this is the common language used in regard to rules framed under the various sections of the Act. But that does not mean that the Legislative Assembly is precluded from discussing these rules or expressing its views on them.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“Sir, I do not at all question the executive rules which are framed to carry out certain executive orders of the Government. I shall certainly not be so very irrational as to take away the right of the Government of their rule-making powers in regard to their executive functions. But this is a piece of legislation affecting the fundamental rights of the citizens, their rights of property.”

SRI K. NATARAJAN :—“Mr. Deputy President, I wish to raise a point of order. Is it not better that the Hon. Minister for Revenue reserves his answers to a later stage when he replies to the debate at the end, instead of interrupting the hon. Member at every stage and replying to him every now and then in the course of his speech?”

DEPUTY PRESIDENT :—“It is not a point of order.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“I welcome it, Sir, because if there is anything wrong in what I say, I am prepared to be corrected and I shall accept the correction then and there. But let me proceed.

“Now, Sir, I come to the question of tribunals. What are these tribunals? Here again, let me state that I am glad, and I must thank the Hon. Minister for Revenue for having accepted our suggestion in the Select Committee in regard to this matter. The original Bill provided that the tribunal should be constituted in a very peculiar manner. It was to be composed of a representative of the landholders, a representative of the ryots and a third person, and these gentlemen who have different interests at heart were to fight like kilkeny cats in the tribunal.”

THE HON. SRI KALA VENKATA RAO :—“Sir, only one tribunal was proposed to be constituted like that out of the three.”

*** DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—**“I agree that only one tribunal was like that out of the three, while the other two were of a judicial nature and of course, I had anticipated this reply from the Hon. Minister. I am glad, Sir, that he had accepted our suggestion and I thank him for agreeing to adopt a uniform method for constituting these three tribunals from among the members of the judiciary. But here again there is a snag in the language of the section with regard to the persons who are to be drafted from the judiciary. The section says that ‘an officer

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eligible to be appointed as a District Judge or a Subordinate Judge shall also be appointed to the tribunal.' I wish that the Government had definitely said that they must be permanent Judges and in their places other arrangements would be made. Otherwise, if this provision is allowed to remain as it is, namely, 'an officer eligible to be appointed as a District Judge or a Subordinate Judge, as the case may be', I can imagine that at least one thousand petitions would be coming to the Hon. Minister for Revenue, giving out their qualifications and saying that they are the most suitable and eligible persons to be appointed to these tribunals. That would create an embarrassing situation for him. I would therefore even now request the Hon. Minister for Revenue to bear this point in mind and see that these tribunals are composed of men who are permanent members of the judiciary and let their places be filled up by acting members. You have got power to do this and there is absolutely no motive whatever in our minds to question your method of appointment.

"Now Sir, what are the duties of the tribunals? What are their powers and what is it that they have got to do after they have been constituted? It is definitely stated in the Bill that at no time and under no circumstances should the tribunals behave in a bad manner. The Bill says, 'You have no right whatsoever to enter into the question of the quantum of compensation. The compensation amount is already there and it is deposited by the Government safely into your hands. Your duty is simply to inquire into the validity of the claims and determine the persons who are entitled to the compensation deposited and the amount to which each of them is entitled.' Sir, this is perhaps exactly similar to what very often happens in public shows or in public ceremonial functions when a certain gentleman is chosen to preside over the function and distribute prizes. What the prizes are, we do not know. The prizes are there and are already determined and the judge or the gentleman who presides has to perform that ceremonial function of distributing those prizes to the various persons and see that they are the proper persons to receive those prizes. These tribunals have no more powers than that. Sir, I do not question it, but I only wish to make this remark that when we speak of judicial tribunals composed of judges being constituted under this Act, let us not be in any sort of confusion as to what exactly these tribunals are and what exactly their scope is.

"And now, Sir, I come to the fundamental point, the most important provision in this Bill. You may ask, Sir, who is the highest authority under this Act when it is passed. There is one supreme authority whose powers are more supreme than even the powers of the High Court with its judges sitting either in a single bench, or in a double bench or even in a Full Bench and whose authority is more supreme than that of the Government themselves and that is the Board of Revenue. Let us just analyse what place the Board of Revenue occupies under this Act. Sir, first let me say, 'Long Live the Board of Revenue!'. There was a time when it

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was urged on every Congress platform that the Board of Revenue should be abolished. Sir, I am glad that the Board of Revenue is now resuscitated, not only that, but it is also given such extensive powers, powers, even far greater than those possessed by the Government themselves, and this is a very strong thing indeed, as I shall presently show. I congratulate those who are the advisers of the Government for getting this specially privileged position for the Board of Revenue. Under clause 4 of this Bill, the Director of Settlements shall be subordinate to the Board of Revenue and clause 7 says that 'the Board of Revenue shall have power to give effect to the provisions of the Act and in particular, to superintend the taking over of estates and to make due arrangements for the interim administration thereof; to issue instructions for the guidance of the Director, District Collectors, Settlement Officers and managers of estates; to cancel or revise any of the orders, acts, or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any manager; and to cancel or revise any of the orders, acts or proceedings of the Director or of any District Collector, including those passed, done or taken in the exercise of revisional powers.' Clause 20 says that the Board of Revenue shall determine the compensation to be paid by the Government and its decision shall be final and shall not be liable to be questioned in any court of law. Then section 39 provides for an appeal to the Board of Revenue against the orders of the Director and section 39 (6) says that, 'the Board of Revenue may also in its discretion, at any time, either *suo motu* or on the application of any person, call for and examine the record of any order passed, or proceeding taken, by the Director under this section for the purpose of satisfying itself as to the legality, regularity, or propriety of such order or proceeding and pass such order in reference thereto as it thinks fit.' Sir, how could the Board of Revenue *suo motu* take notice of these things? I should like to have some little enlightenment on this point from the Hon. Minister for Revenue when he replies. Is it on anonymous petitions or pseudonymous petitions? What is the procedure to be adopted by the Board of Revenue, which I understand, is an inanimate body, to take *suo motu* notice of these things? I can understand if a proper and well-regulated method of procedure is laid down for approaching it. If the Board of Revenue is to take these powers *suo motu*, is there not likely to be an abuse of its powers? What is the Board of Revenue and who are its Members? Two Members of the Indian Civil Service and a third senior Member of the same service promoted to the position of the First Member of the Board by virtue of his seniority and efficiency constitute the Board of Revenue and these gentlemen sit in judgment. They may do the best they can, but are they so invulnerable that they may not succumb—not to temptations perhaps,—but to their own weakness of not deciding things in an impartial manner, because the decisions they are going to give are only closed decisions? They are not open decisions like the judgment of any court of law, where there is provision for an appeal to a higher court. The Board of Revenue under clause 39 (3)

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of this Bill may cancel or modify the orders passed by the Director; and—this is important—‘no order passed by the Board of Revenue shall be liable to be cancelled or modified by the Government or any other authority, or to be questioned in any court of law.’ I do not know what the expression ‘any other authority’ means in this connexion, and I should like to have enlightenment on this also from the Hon. Minister for Revenue at a later stage. But it does seem to be repugnant to my sense of the prestige of the Government that they should say that, ‘no order passed by the Board of Revenue shall be liable to be cancelled or modified even by the Government themselves.’ Are the Government a subordinate body under the Board of Revenue? If it was simply said that the orders of the Board of Revenue shall be final, I shall not object to it. I think, Sir, that this provision ought to be expunged from the statute, because it casts a reflection on the Government that they are likely to cancel or modify the orders of the Board of Revenue, and so should be protected under the Act.”

THE HON. SRI KALA VENKATA RAO :—“Sir, even to-day there are hundreds of statutes wherein the Government have no right or power to revise or cancel certain decisions of their subordinate authorities.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“If there are such statutes the sooner they are done away with the better and a better language can be used. I do not ask that the Board of Revenue should not be the final authority. Let me not be misunderstood on the point. To say that no order passed by the Board of Revenue shall be liable to be cancelled or modified by the Government, when the Government are the superior authority and the Board of Revenue the subordinate, somehow or other grates against my sense of the dignity of the Government. That is all I have got to say. I do not want to enter into the merits of the question, Sir, but I do feel that on the whole the Board of Revenue is given such supreme powers that there is likely to be a serious complaint in due course against the possibility of the Board of Revenue exercising its powers without due discretion. The complaints may be or may not be justified, in the bulk of the cases they may not be justified, I know—but the Government are putting themselves in a very unenviable position, because the legislators will come and question them for the legislators are now given so many privileges and powers. Well, this particular power is going to be a boomerang to the Government and the sooner they see that this state of affairs does not exist, the better.

“I must apologise, Sir, for having taken so much of your time. With your permission I shall now make a few general observations. The Hon. the Food Minister to whom I referred this morning is anxious that the Grow More Food Campaign should thrive in this Presidency. He has already stated that starvation is facing us. He is going to impose controls and I shall look with great interest to the statement that he may make in this House if he has the time to

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do so. But I can assure him, Sir, of this, that if there is one step more than another that will promote the cause of the Grow Less Food Campaign it is the passing of this Bill at this psychological juncture. (Hear, hear.) People have laughed at me at various stages in this Council. I am not very much perturbed. When I last spoke about the linguistic provinces some Members ridiculed me. Well, I am expecting to see the final picture of that. When I spoke for the privilege of discussing the Constituent Assembly's Draft Act I was the only solitary raven that croaked on the floor of the legislature. Three months later the Government brought in the Draft Constitution, and Member after Member vied with each other in contributing to the debate on that question. I have reached an age and a stage when these criticisms do not worry me, but I say this in all seriousness, if this Act is passed and the notification date is pronounced, it will be the death knell for even the meagre crops that are now being turned out.

"I see that in one respect there is a lacuna with regard to the lands cultivated after the 1st July 1939 about which I am still expecting some enlightenment from the Hon. the Revenue Minister. But I go further and ask, 'Are we not aware of the conditions of these zamindari ryots?' So much has been said and so much more will be said. Is it not a fact that to-day those ryots depend for their bulls, for their seeds, for the manure, for their agricultural implements and for the funds to purchase on the zamindars and the big landholders? They speak of a tenancy legislation as if that is going to be the panacea for all human ills. I wish them joy. But have they thought about it? Have they considered what other people are doing? I made a suggestion, Sir, some time ago and I respectfully repeat the suggestion that the Hon. the Revenue Minister should take four months' leave and go and study the agricultural problems of other countries and note how they are tackling them. I invite him to go to Denmark, a very pleasant place and a more pleasant people. I invite him to go to the United States of America and see how these problems are being tackled not merely the Tennessee Valley about which we are hearing so much but all the other food problems. I invite him, Sir, to go to Switzerland and see how these problems are tackled. We are rushing on with legislation, we are rushing on with the Agrarian Reforms Committee. Blind leading the blind is our great virtue. We do not know what we are after. We do not know how we can solve these things, because our knowledge on these, my knowledge and the knowledge of most of us—I exclude honourable exceptions—is very deficient. I therefore say that when they speak of this legislation and when they speak of the tiller of the soil, they forget the realities. Who tills the soil? Does my hon. Friend till the soil?"

THE HON. SRI KALA VENKATA RAO:—"Ask Dr. John who is very much interested."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"The hon. Member, Dr. John is tilling the soil in the play fields of the

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High Court. I know that. (Laughter.) I ask the Government to remember that this agrarian reform has to be considered in the light of modern conditions. What are those modern conditions? Co-operative farming, mechanized farming, modern chemical fertilizers, modern methods of transport, will all these be available to the tiller of the soil when they give him the one acre of land? Slogans are bad always but they are worse when they are put forward without adequate consideration of all their implications. By all means let the tiller of the soil benefit. But if they are going to do something worse to him than he is at present, I say : ' pause, consider, recapitulate, ruminate and for God's sake do not let us be in a worse position than we are to-day.'

' Hon. Members, if they wanted to pass this legislation they should have waited and taken proper advice and they should have seen other countries, as I said. This is the most unfortunate period when we are short of food to introduce a legislation which will throw into chaos the whole system of cultivation of the land. Sir, I have only to conclude by saying that my remarks have been made only in the hope that ultimately some of these remarks may be considered by the Government of the day. I do not say that they should be accepted. Let me not be so presumptuous as to say that. If they will only consider in their leisure hours, when they get together at tea table perhaps, whether there is any substance in what I have said, I shall be grateful. For me, Sir, I see very little prospect of feeling happy over the measure that we are going to pass. I would only conclude by saying, because we have so much darkness before us that I shall pray in the words of Cardinal Newman :

' Lead kindly light amidst the encircling gloom

Lead Thou me on . . .

I do not wish to see the distant scene

One step is enough for me.'

* SRI N. RANGA REDDI :—' Mr. Deputy President, Sir, after listening to the able speech of the Hon. Dr. Lakshmanaswami Mudaliyar, I felt that probably I would have very little to add to the debate. The influence of his speech was so great on me that I thought, probably I was mistaken in my previous opinion. But when I calmly considered for a few minutes, I thought that my previous opinion was right. The whole of his speech proceeds on the assumption that we are carried more by the spirit of the west and that we are introducing reforms which are going to disrupt our society and lead us to chaos and confusion. I submit, Sir, that if we had followed our ancient ideals in all the walks of life probably it would be better. But now we are being dragged in so many directions that unless we follow some of these things we are not going to reform our country. The only salvation for us so far as reform of the land tenure is concerned at this stage is that unless we are going to abolish these zamindaris there is no hope for our country. So far as this question of the abolition of the

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zamindaris is concerned it has been before the country for a pretty long time. This question has been thrashed threadbare and the Hon. the Revenue Minister is not in a very enviable position in sponsoring the Bill in its present shape. Both his political friends and foes have attacked him. I should say that this Bill has been subjected to a very severe criticism not only here but by the Press and on the platform. The Hon. the Revenue Minister by the introduction of this Bill has not satisfied one class or one interest completely. I should think that because he has not been able to satisfy one class or one interest, that is the best criterion for saying that he has probably steered a middle course, a wise course, and that he has not taken a partisan attitude in bringing forward this Bill. It is true, Sir, that in a reform like this it is not possible to satisfy all sections of opinion. There is the zamindar on the one side who says that he is entitled to his pound of flesh and there is the kisan who says that the zamindar has been rack-renting for such a pretty long time that the zamindar is not entitled to any compensation at all, and therefore no compensation ought to be paid to him. So far as this view is concerned this is not a view which has been pressed by the Congress Party. This is a view which has been pressed by Sri R. Suryanarayana Rao who is a Member of the United Democratic Party and he says that no compensation should be paid. I wish to say, Sir, that in fairness and justice the zamindar also being a section of the public, is entitled to such protection as any other member of the public. He has lived in a particular mode of life and it is but right that he should be continued in that mode of life at least in the present generation. It is in that view that the Congress Government take the view that compensation ought to be paid and it is being paid also. It is true that the method of compensation and the scale of compensation have been attacked in very severe terms, namely, that distinctions and differences have been made in the method of computation of the compensation. It is also stated that justice and equity have not been observed in the payment of compensation or in the computation of compensation. May I submit, Sir, that justice and equity are terms with which we are familiar more in courts of law than in a Legislature? It is said that equity varies with the foot of the chancellor. There too it is not permanent and therefore it is much more so that equity varies in a legislative body. After all an appeal has been made to justice and equity and so it is said that we should conform to the old notions. When a man is having all the property and he is entitled to collect only the rent—because he has been a collector of rent for a very long time—is it not justice, Sir, when we tell him that he is not entitled to take the property as his own and that we want to revise this system? To do justice we say, 'These are the laws which have been made by the Legislature. We can alter them. If you want to go to a court of law do so.' It is for that this law has been revised and this is in conformity with our sense of justice and equity. If we do not revise this law what happens? A revolution will be upon us. The other side of the picture should also be

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seen. When the agitation is so strong and when the kisans are clamouring for this reform, if you do not reform, there will be a revolution and the flood gates of revolution will be opened.

"This Bill has been attacked on the ground that it is not the very same Bill which was introduced before the Legislature when the Select Committee was constituted. It is true that its shape has altered to a great extent and I am very sorry that its shape has been altered because, some inams which were included have been excluded. This was because the matter passed beyond the hands of the Hon. the Revenue Minister. Nobody would have been more glad than the hon. the Revenue Minister if that provision had been retained in the present Bill. But he thought that it was much better to yield on the small point rather than have the whole Bill thrown away.

"We are all familiar with the old adage that the best is an enemy of the good. If you are thinking only of the best, you have not even the little good. Therefore, it is in that spirit that this Bill has been brought forward before this Council and it is better that we accept at least this truncated Bill because it is going to do some good for the people. This Bill has also been criticized by my hon. Friend, Mr. Narayanswami Navudu and Dr. V. K. John that it does not confer any advantage either to the ryot or to the zamindar. They have proceeded on the footing that this Legislature has already passed an Act called the Rent Reduction Act and that under the present provisions of the Estates Land Act, the tenant has got the right to lease his land or alienate his land and therefore when the rent is reduced to the ryotwari level, no more advantage can be given by the abolition of the zamindaris. Therefore, they are of the opinion that no advantage is conferred on the ryot. It is true that was the view which I took when the resolution was tabled before this House for the abolition of the zamindaris as early as January 1947. I said in that connexion and I have also said afterwards that the question of the payment of compensation will have to be seriously considered because the rights that are possessed by the ryotwari landlord and the ryot holding under the Estates Land Act are practically the same and that therefore, there is no need to pay the compensation. But one thing I will say now and that is this. The Rent Reduction Act is a separate Act altogether. It is complementary to the present Act. That Act was placed on the Statute Book as a complementary measure to the present one. It was passed because it was said at that time that these zamindari estates would be abolished when the rents have been reduced. On that understanding that Act was passed. Otherwise, that Act would not have been passed. Therefore, once the rents are reduced to the ryotwari level, we will have to consider whether any zamindar will have any incentive or inducement to retain the management of the zamindari because it will be a zamindari in name. I submit that no zamindar would like to keep the estate after the rents have been reduced to the ryotwari level.

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"Then, Sir, the other question also was raised, namely, whether any advantage has been conferred on the ryot. I submit, Sir, that the advantages that are conferred upon the ryots by the present Bill are the same as those owned by the ryot in ryotwari areas. Then, Sir, the question has also been raised that the conferment of these rights on the tenants in the estates is not going to advance the prosperity of the country. But, Sir, the hon. the Revenue Minister himself has said that this is only a first step in that direction. The House knows how difficult it is to take away the rights of these zamindars. It may be they may not be willing to listen to the directions given by the Government. We know, Sir, that so many tanks existing in these estates have not been repaired and many of those repairs which are urgently in need have not been effected at all. Still the rents in the estates have been enhanced to such an extent that the people wanted the abolition of these estates. I therefore submit that it is very necessary to abolish them and I also submit that a very great advantage would be conferred on the tenant by the abolition.

"Then, Sir, the next question that has been raised was whether the tenant in estates has been benefited by the compensation that is paid from the general revenues, and why should the general tax-payer bear that burden. One thing, I must say. No one can say, 'I have paid for this and therefore I should get the benefit.' No one can say that the man who does not pay should not get the benefit at all. I do not think this criterion should be applied, namely, that the man who pays alone should get the benefit. Otherwise, so much of the benefit which is being conferred on the people generally, will not be conferred at all. The only criterion should be whether the person has the ability to pay. When you consider that this is a reform which is going to benefit the whole Presidency, you will not raise the point whether the zamindar is paid compensation from the general revenues or from particular sources. If you find that by the abolition of the estates, the condition of the tenants in the estates is improved, certainly you can tax them later on. I submit that there is nothing wrong in that policy.

"Sir, my friend, Mr. Narayanaswami Nayudu argued at very great length that if these rights are acquired by the Government, they will be lost to the tenants. I submit one thing, Sir. Government are conferring a greater right upon the tenants now. After all, they were entitled only to cultivate the land and they were not entitled to construct any building on the land and so on. By the conferment of a patta, they are entitled to construct buildings. They are also entitled to the same privileges as the holders of the land in the ryotwari areas enjoy. Therefore, Sir, Government are perfectly justified in taking away such of those rights which were not necessary for the protection of the lives and properties of the tenants now. Now, these ryots in the estates stand on the same footing as the ryots in the ryotwari areas.

"Now, Sir, the next point that I would like to submit is about the question of private lands. Of course, as the Vice-Chancellor,

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the Hon. Dr. Lakshmanaswami Mudaliyar said, a lot of argument was advanced in the Select Committee and the Hon. the Revenue Minister yielded to some of the suggestions made with regard to the fixation of the date. Sir, the whole basis for the abolition of these estates is on the ground that the zamindar has been rack-renting. When you concede that the zamindar has been rack-renting, and when the lands are sold at a revenue sale, naturally the conclusion will be that he need not go behind this revenue sale. As a matter of fact, these ryoti lands which are sold at revenue sales are purchased by the zamindars and they are meant to be converted as private lands. They are taken away from the possession of these tenants and therefore it is but right that this provision has been inserted. Otherwise, every ryoti land the possession of which has been transferred to the zamindar by this forced sale, would be deemed to be private land. Therefore, it is a genuine safeguard which has been inserted for the protection of the tenant. Of course, Sir, one question has been raised and it has also been referred to by the Hon. Dr. Lakshmanaswami Mudaliyar, as to what happens to the lands which have been cultivated by the zamindars subsequent to 1939. In the Bill it is said that the landholder is entitled to the patta if the land has been cultivated up to 1939. Supposing the land has been cultivated some time subsequent to 1939, what happens to that land? It looks as if that these lands which are being cultivated by the zamindars subsequent to 1939 will be suddenly given up and they will be left fallow. It is not human nature and he will not give up lands. I am not particularly blaming the zamindar or anyone who is having an interest in the land for not giving up that land and for saying that he has been cultivating his land for a time previous to 1939. Therefore no danger would arise in that way if the year 1945 is fixed. These lands instead of being allowed to lie fallow will be cultivated. On the other hand, my fear is that false claims will be made that they have cultivated these lands prior to 1939.

“ Then, with regard to the question of inams my hon. Friend, Sri A. Govindacharyulu, said that the reference to 1936 inams is rather bad and that the so-called promises that are intended to be put into effect will never be put into effect at all. Sir, this House is aware that under the Estates Land Act of 1908, some inams have been included under the definition of the estate. In 1936, some more inams have been included under the Madras Estates Land Act. The point was that inams included by virtue of the legislation of 1936 should be excluded from the scope of this Act. But for a provision like this if you want to exclude those inams, Government should accept as *ipse dixit* only the statement of the inamdars who may say that their inams have been brought under the Act of 1936 and not 1908 and therefore, they should be excluded. Therefore, Sir, there should be somebody to determine whether a particular inam comes under the 1936 (Amendment) Act or under the original 1908 Act only. It is for the purpose of giving effect to the promise of excluding the 1936 inams, the Hon. Minister has

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brought this provision. Sir, it is a salutary provision without which nothing can be done to give effect to the promises which have been made."

DR. V. K. JOHN :—" It is still hanging fire."

SRI N. RANGA REDDI :—" What else can the Government do except to introduce such a clause in this Bill? One more point, Sir. The hon. Dr. Lakshmanaswami Mudaliyar referred to clause 39 and said that the powers given to the Board of Revenue under clause 39, sub-clause (6) are rather extraordinary. He asked, how can the Board of Revenue get any information as to whether a particular order is legal or illegal, regular or irregular and so on? I may submit that so far as that clause is concerned, it is not an extraordinary provision. As one practising in a court of law for a fairly long period, I should say that some such provision appears in the Criminal Procedure Code also. I mean section 439. With regard to the powers of revision, the court could *suo motu* take into consideration any order of discharge and so on. So, here also, the Board of Revenue can, in a like manner, consider any order which is manifestly an illegal order or an improper order. Of course, we can make an allegation and we can challenge the position of any person. But still when we consider the persons who sit in the Board of Revenue, we will have to say that they will not be carried by any partisan spirit but will administer justice in a proper manner. Therefore, there is no reason to fear that their judgment will be perverse or in any way partial.

p.m. " Sir, the point whether the Board of Revenue should continue or not is quite a different one. But when the Board of Revenue exists, there is nothing wrong in investing it with such powers.

" Much has been said on the constitution of Tribunals. There has been the complaint on many sides that no appeal has been provided for. I think that point has been made out by my hon. Friend, Sri A. Govindacharyulu. I would like to submit only one thing, viz., that so far as the litigant public is concerned, they are never satisfied by having resort only to one court of law. If you make a provision for an appeal, they will go to the first court of appeal, to the second court of appeal, as well as the third one, if there are also provisions in that behalf. Till they go to the final court, they will never be satisfied. We have got to consider and see whether such an incessant train of appeals should be provided. Even in the ordinary civil courts, there are cases where no appeals are provided. Only in some cases, provision for a first appeal is made. As my hon Friend Dr. Sir A. Lakshmanaswami Mudaliyar has pointed out, there has been a change, and a very satisfactory change I might say, with regard to the constitution of these Tribunals. And it is right that we should congratulate the Hon. the Revenue Minister on the Bill that he has brought forward. I also congratulate him on the amount of knowledge that he brought to bear upon the discussion of the

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Bill in the Select Committee. Although he is not a lawyer, but only an ordinary layman, the fact that he really got so much knowledge is really surprising.

“ With these few words, I support the Bill, Sir.”

* SRI K. NATARAJAN :—“ Mr. President, Sir, coming after my hon. friend, Dr. Lakshmanaswami Mudaliyar, I feel a very great diffidence in putting forth my views, even though many of my views are in accord with what he has expressed in this meeting, and in this Council to-day. I feel that I would spoil the effect and impression he has created with reference to the points which he has impressed upon the hon. Members of this House to-day. At the same time, I must confess to a feeling in my mind that the intensity of the sincerity of the Hon. Revenue Minister is so overpowering me every minute that I feel I must go so far as possible to support the Bill now before us. I have no doubt although aspersions have been fully made elsewhere, that he is actuated by the sincerest desire to alleviate the position of the tiller of the soil—the imaginary tiller of the soil, as some say; the actual tiller of the soil as some swear; and no tiller of the soil as some also criticize. If any remarks that I am going to make to-day are veering towards this or that side, I request you, Sir, and my hon. Friends here, to see that I am putting forward my suggestions with a view to help in the passing of this Bill, and not in wrecking it. In fact, the first portion of my observations to-day will be directed towards that purpose.

“ I think, from the little knowledge that I possess as a lawyer, having studied the history of these zamindaris, and also the decisions of the various courts of law bearing on that point, at least as far as some of these zamindars are concerned, from their very inception, these zamindars came into the picture only as collectors of rent for the Government, and as remuneration for their services, they were given a portion—what portion it is has to be determined later on—of the collections, and were asked to give the balance as peishkush to the Government. My hon. Friend, Dr. John, was perfectly right in criticizing the first portion of the speeches of the Hon. Minister for Revenue when he stated that the zamindars should not be treated as proprietors of the soil in any sense of the word. No doubt the word ‘ proprietor ’ is used with regard to these zamindars in Regulation 25 of 1802. But the previous history of the formation of these zamindaris in many cases—I am always saying in many cases, because in some cases there is a difference—shows that they came into existence only on the basis that the zamindars were only mere rent-collectors, and it was a mistake, as it appears from a decision of the Privy Council, that the Regulation 25 of 1802 gave them the position of a proprietor. This mistake which was made by that regulation was later on rectified by a subsequent regulation, namely, Regulation 4 of 1822 which said that the zamindar although called a proprietor cannot yet be considered to have deprived the real persons who were cultivating the soil, of their rights. The use of the word ‘ proprietor ’ does not in any sense derogate from the rights of

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those who have got rights in the land. And this was pointed out in a case—I do not want to make this hall a court hall, but at the same time inasmuch as this is a legal, or quasi-legal, and quasi-legislative matter, I beg the Hon. the President to permit me to indulge only on very rare occasions, and not very frequently into such legal literature, because many of my eminent friends have dwelt upon this point, either from the one point of view or the other. Now for instance, in a case—which I shall not quote to you in full, as I will in a court of law—the Collector of Tiruchirappalli *vs.* Lakshman in 1—Indian Appeals—282, it was very clearly laid down what the use of the words ‘proprietary right’ meant. There was a right vested in the zamindars by the 1802 regulation. It merely vested in all zamindars the hereditary right to a fixed revenue upon the conclusion of the Permanent Settlement with them. The words ‘proprietor of the land’ are used in a technical sense, and the zamindar was only a person who paid the revenue collections to the Government directly. So then it was considered a misnomer to call the zamindars ‘proprietors’, and too much advantage could not be taken for the use of the word ‘proprietor’ in the Regulation 25 of 1802. When once the mistake was found out, it was rectified in a later regulation in 1822, and also in certain decisions into the legal literature of which I do not want to go. Sir, this point occurs as early as 20—Madras, after previous decisions. And even the High Court has held that the zamindar must be deemed to be not an owner of the soil in the proper sense of the word, but a person who has been invested with certain rights in the property to the extent of collecting revenue. So, in one sense, my hon. friend, Dr. John, is right in using the word ‘proprietor of the soil’, but in a very substantial sense, even though he is not a lawyer, and has not been endowed with so much legal knowledge as my hon. friend, Dr. John, being in a company of 10 other eminent legal luminaries, the Hon. Revenue Minister is right. And after all this discussion, I failed to understand why my hon. friend, Dr. John, raised this point at all. But the point having once been raised, I must be allowed to point out, Sir, that we are legislating and not enunciating any principles of law. We are not deciding questions upon the law as it stands. We are legislating, and certainly nobody can deny that an expropriatory legislation cannot be passed under any circumstances. If I am the owner of the notebook which I have in my hand just now, and if a legislation can be imagined to be passed to deprive me of the ownership of the same under certain conditions which shall prevail or after conforming to certain principles, for the purpose of depriving me of this property, no exception shall be taken to that legislation. Therefore, Sir, it is perfectly open to the Legislature of this Province to legislate to the extent of saying that a proprietor, be he a zamindar or an inamdar, is deprived of his proprietary rights, whatever the rights may be. So far as that goes, it is quite sound. But anyhow the position is that from the very beginning of his existence, the zamindar is only a rent-collector, and not a proprietor of the soil in the commonly understood sense of the word.

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" Then, Sir, if we come to inams, the position of the inamdars as has been laid down by a number of decisions, and also in accordance with history, is completely different. So far as they were concerned, they were given free gifts of the soil, a freehold with absolute rights. They did not originate with the mere right to collect rent, which subsequently was transferred in form or developed itself into a right to the proprietorship of the soil. They were originally even in the initial stages, proprietors in the real sense of the word, for they were given the property, a freehold of it, and given the liberty to alienate and deal with it in any manner that may please them; they were absolute proprietors, and full proprietors in every sense of the word. In this connexion, I venture to make a different remark that even the hon. Dr. Lakshmanaswamy Mudaliyar thought that all in Madras owned their origin to the zamindars. No. It was an impression lurking in the early stages in the minds of some of us, not excluding the Hon. Revenue Minister. But subsequently on the press and on the platform, it was pointed out that in many cases the inamdars were not the creation of the zamindars, but that in many cases they were different persons not necessarily dependent upon the sweet will and pleasure of the zamindars, and were not given free gifts of the soil by them. In this connexion, in order to relieve the tension consequent upon the debate, my hon. friend Mr. Narayanaswami Nayudu used the words '*Bhavathi Biksham Dehi!*' The expression was no doubt entertaining at the time when it was made, but it was very wrong that he should have used them. He used that only to put some flavour in his argument. But at the same time I say they were not in any sense *Bikshandehis*. Even assuming the worst against them, suppose a Brahman comes and asks for a donation from you and you pay him one rupee; is it right and proper and legal for the legislature or anybody to take away that one rupee from him after he goes out of the Government House compound? Sir, even *Bikshandehi* people are entitled to protection.

" Sir, apart from this digression, there is a difference between zamindars and inamdars. The inamdars are in every sense of the word proprietors of the soil. Even though they are proprietors of the soil, there may be legislation to expropriate them on the grounds mentioned in this legislation for the abolition of the zamindars. It will apply only to inams which do not come under the category of 1936 inams. To what I am going to say, I beg of the Hon. the Revenue Minister to carefully listen, because I am pleading with him to see that the measure does not violate the provisions of section 299 of the Government of India Act. Otherwise are we to have devoted over two years' time for the passing of this measure and devoted it in vain? Are all the energy, the eloquence, the skill, etc., spent in passing this measure to go to waste if afterwards as a result of a suit by the zamindars or inamdars it is held that the whole thing is *ultra vires* of section 299 of the Government of India Act? Sir, I am sincerely for the passage of this measure and not for wrecking of it. Forget for the

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moment that I am a lawyer. Don't cavil at me and say that I am importing lawyer's tactics here. Don't think that I am in any way pleading specially for the inamdars and the zamindars. In my heart of hearts I sincerely feel that this measure should not be wrecked. Section 299 of the Government of India Act says:—

' 299. (1) No person shall be deprived of his property save by authority of law.

(2) Neither the Dominion Legislature nor a Provincial Legislature shall have power to make any law authorizing the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of compensation, or specifies the principles on which, and the manner in which, it is to be determined.'

Clauses (3) and (4) are not important in connexion with my argument. Clause (5) says:—

' (5) In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.'

Whatever may be the position of the zamindar, he may be a full proprietor or he may have some rights in the property recognized by law from 1802 up to this date. You have to give him compensation because you have assumed that he is a proprietor. As far as inamdars are concerned they are proprietors in the full sense of the word. Now you want to make a law authorizing the compulsory acquisition of land for a public purpose. Throughout the discussion of the Bill, it is said that the public purpose is sought to be served. Even yesterday the Hon. the Revenue Minister wanted to dilate on the public purpose of the Bill. No doubt he did not use the words 'public purpose.' He thinks that the object of the Bill would be considered to be a public purpose by all right-thinking men and by any court of law. The zamindar may be a proprietor or not be a proprietor, the inamdar is a proprietor. If you make a law for the compulsory acquisition of property, you must pay compensation for the property acquired. Now Sir, the zamindars and the inamdars are waiting. All these people are not going to coolly submit to this legislation. They will carry matters as far as they could. You need not fear that I am inciting them, for they are already there. You have to answer this question. My hon. Friend Mr. Suryanarayana Rao yesterday referred to the report in the "Capital" about the opinion of the Advocate-General of the Federal Court of India to whom the question of compensation was referred. The Advocate-General seems to have advised that payment of compensation even in the form of negotiable bonds would be *ultra vires* of section 299 of the Government of India Act, as a bond is only a promise to pay and should be distinguished from actual payment. Also, two of our eminent advocates who were our Advocates-General some time ago—Sir Alladi

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Krishnaswami Ayyar and Mr. T. R. Venkatarama Sastri—have held that unless section 299 is repealed, it is fairly certain that this measure will be considered *ultra vires*. In a controversy that was raised on this point and in which eminent citizens of Madras took part, the doctrine of eminent domain was invoked and Australian precedents were quoted. The doctrine of eminent domain is only a pedantic expression which means that the state has got a right to purchase land and control property in any way it likes. In Australia this doctrine has been applied in some cases and it has been held that there should be compensation. In Madras and Calcutta also, in some cases, it has been held that there should be compensation. 'Compensation' has been defined to be the equivalent of what the party parts with. If I part with a gold watch worth Rs. 200, compensation does not mean Rs. 50. Compensation must be the equivalent of the property parted with. This principle is followed in many cases in Madras also. The payment also must be in form of legal tenders like currency notes and not in the form of promissory notes. Payment means payment in the form in which a person can be compelled to receive. A person cannot be compelled to receive Government Promissory notes, though of course many people will have no objection to receive them.

"Perhaps Sir, I am only carrying coals to Newcastle and the Hon. Minister is aware of all these things. But has he considered this along with the colleagues of the Cabinet; has he consulted eminent advocates on the point? If not, let him consider these points, consult the people concerned and investigate the matter thoroughly and after satisfying himself that there will be no danger of section 299 of the Government of India Act being applied to throttle this Bill, let him push on with this Bill. Suppose he comes to my view that the payment of compensation must be in cash and not in any other form, what is to be done. The financial condition of the province is known. It is not unsatisfactory in the sense in which we use the word with regard to common men. But we have so many commitments. Prohibition alone costs us much. Then there are the nationalization schemes and the bonuses repeatedly given to agriculturists. All these things are staring us in the face. It is quite certain that we will not be able to find the necessary amount that will be payable as compensation even according to the basis provided in the Bill, which I am going to contend is not at all adequate.

"Sir, yesterday, Dr. V. K. John and Mr. Bhima Rao put certain questions to the Hon. Minister with regard to the total amount of compensation and the basis on which it will be paid. The answer was that the enquiry was very incomplete and that accurate figures could not be given. Sir, in the course of the last two years, the Hon. Minister first said in a radio talk that the total compensation would come to only a few crores in one digit, then it came to 12 crores—two digits—and yesterday it has come to Rs. 17 crores."

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THE HON. SRI KALA VENKATA RAO :—“ Sir, I should like to clear this misapprehension which has crept into the press also. Originally I said it would be Rs. 10 crores. On further examination and advice we put it at Rs. 12 crores. That continues to be the figure as far as zamindaris are concerned. I have advisedly used the word ‘ zamindaris.’ Yesterday I used the word ‘ estates.’ Estate includes inams also. Therefore it cannot be that I am going on increasing the figures from Rs. 10 crores to Rs. 12 crores and then to Rs. 17 crores and then in future to some other figure. I want to clear that misapprehension.”

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SRI K. NATARAJAN :—“ Sir, I am enlightened by the explanation: but what I want to stress is this: at the time he mentioned Rs. 10 or Rs. 12 crores he had no idea of these inams; and when the inams came in, it went up to Rs. 17 crores and to-morrow it may again go up to Rs. 25 crores. Nothing has been done to find out the exact amount; the investigation is still only in a primitive stage and so as things are, we have to take it at Rs. 17 crores. I submit, why should we not adopt the suggestion made in the Press that the payment of cash compensation be confined to the operation of the Act in certain select areas? It appears from some of the speeches made by Andhra friends that the Andhra zamindars are not as meek as the Tanjore zamindars. What I say is, get along with the abolition of zamindaris by instalments, make cash payments and proceed with the reform even as you are doing with the prohibition reform, by instalments. (Interruption.) I request I may not be interrupted, as I am likely to lose the thread on account of my age, illness, etc. If you do not want to wreck this measure, if you do not want to play now a drama of the future, you please overhaul the section relating to compensation, confine yourself to payment of compensation in ready cash, extending it to selected areas. There can be no difficulty if you do that. I am saying this in a friendly spirit, not in an antagonistic spirit, not in a spirit of saying that if this is not done, the Bill will have to be dropped, but in the spirit of seeing that the Bill should somehow take shape, with subsequent necessary modifications which must be accepted by the Hon. Revenue Minister. In this connexion, I am reminded of what my hon. friend Mr. Govindacharyulu said yesterday, though he said it in another connexion. He referred to a statement said to have been made by the Hon. Premier at a Press Representatives conference, that although the Bill would be placed on the Statute Book, it would not come into operation for any length of time. That is a bad thing, I respectfully submit. To pass a law and make it appear as if it is in operation, but not give effect to it on account of financial—what I may call—stringency,—probably it is a strong expression—that will be undermining the prestige of the Government; and it is also against all accepted principles of legislation. Moreover, I submit neither in Indian History, nor in English History or Roman History, has there been any legislation which has been passed on a certain date and put on the Statute Book but

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given effect to only ten years afterwards. Therefore I say in all earnestness and humility, let the Hon. Minister and the Cabinet consider this problem. If they are satisfied that my suggestion is not worth consideration, it may be dropped, but I may say I am supported by many eminent authorities on this point. Yesterday we saw in the papers a court decision reported where one judge thought there was no power for Government while another judge thought there was power and the case was *intra vires* and Dr. John gave an instance of another case. Therefore, you cannot foresee what the High Court will decide upon a particular point. Do not encourage this measure to be given the go-by, but give it all possible scope for being worked; do not leave any chance for its being considered *ultra vires*. That is my appeal to the Hon. Minister.

“ Having disposed of that point first, I shall proceed with your permission to other points in the Bill. I said a few minutes ago that the Andhra zamindars may not be as meek as the Tanjore zamindars and it is not without a point that I said it. I was reading a report of the Legislative Assembly meeting in which a question was asked of the Hon. Revenue Minister: ‘ Is it not a fact that when you were in Tanjore, the kisans and other cultivators of the soil were not allowed to see you because the zamindars were obstructing their going to you and ventilating their grievances?’; the Hon. Minister’s reply was ‘ there are no zamindars in Tanjore’. I was wondering at it in the first instance; but on thinking over it, I concluded he had used that expression deliberately and after full consideration. Because the fact is that the Tanjore zamindars are not zamindars coming under the Regulation of 1802; and that must have weighed with the Minister in making such a statement. This is referred to in the Prakasam Committee report also; there these were called palayams. And under the definition of ‘ estate’ in the Estates Land Act, these people cannot be called zamindars, because they do not come under the Regulation of 1802; they were the subject-matter of *istimrar* sanads. This is what the Prakasam Committee report says. In Tanjore, there were 13 palayams in number, very ancient in their origin, going back to the Mahratta dynasty. I am not fighting about the terminology, but I am using this for my argument about compensation. ‘ Tracing back to the Mahratta dynasty’ the report says. Even there I think it is wrong, because I find from the voluminous report of the Committee, that it did not examine any witnesses in the Tanjore district except the Chatram department of the Tanjore District Board. And if you take the statement of the Chatram department, you find reference to these 13 palayams there but you find there nothing else. In a previous page, in attempting to give a general description of the methods and basis of assessment in different parts, some general classification is given, by reading which the reader may be led to believe that there was some uniform method adopted even under the

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British Administration under the Permanent Settlement of 1802 all over the province. That it is not so will be clear from the study of the history of the estates. I think only 4 out of these 13 palayams come under the definition of estates. And what is the basis on which the peishkush was ordered to be paid by the owners of these palayams at the time when the istrimrar sanads were given? The object of my remarks will be clear to Members of the Council if they will just think of the way in which the compensation in this Bill is sought to be worked out. The basis seems to be the annual rent in 1802 then some calculations are made and additions and subtractions are made. But in the case of these palayams in Tanjore district, they were settled, not in 1802, but only somewhere in the year 1870 or 1871. Istimrar sanads were then given to them, but some of the palayamdars did not want to enter into any arrangement. Many of these zamindars had been minors at certain stages and their estates had been managed by the Court of Wards. Therefore, unimpeachable accounts were being kept and the management was by the Collector of the districts. And so, so far as the palayamdars are concerned, what they were paying as peishkush and what they were receiving as rent, will be clear from the records. I think their peishkush would be 1/9th or 1/10th and they were getting the balance of 8/9th or 9/10th forthcoming. But what is the basis of compensation adopted here? The assumption is that according to the 1802 regulation in which the permanent settlement was introduced, the zamindars were paying only one-third as peishkush and taking the balance of two-thirds themselves, and that is why the computation of the basic annual rent is made in the proportion of one-third and two-thirds. But if in Tanjore they were actually getting 8/9th or 9/10th, what is the compensation to be awarded to them? Certainly not this proportion that we see in the Bill. So, I submit, having regard to the history of these Tanjore palayams, the compensation that the Bill has provided for here is grossly inadequate. The proportion is an utter contravention of the facts of the case. Therefore I submit the compensation must be worked on quite a different basis altogether. I may also state—but I do not complain—that there was none representing this point of view in the Select Committee. Whatever it be, the Hon. Revenue Minister was quite aware of all these things since many memorials were submitted to him by the Tanjore zamindars. I know also two or three friends of mine placed all these facts before him and contended that whatever might be the ultimate fate of the zamindaris as such, the compensation provided for in the measure was not at all proper, taking the history of the palayams into consideration. Can it be said that you are now giving just and equitable compensation within the meaning of section 299 of the Government of India Act? Compensation does not mean illusory compensation but it means an equivalent of what is paid with by the other man. If it is worth a thousand rupees, it

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means that nearly that amount must be given. There is no meaning in paying a hundred rupees and saying that it is compensation. It is a word which can be easily understood by lawyers or laymen and it must be equivalent to what is parted with. If it is nine-tenths of the share of the income, you must give that and the income must be arrived at on the basis of the prices prevailing at the time when you make him to part with the property. That is the principle laid down and that is the principle which must be accepted. What is the principle under the Land Acquisition Act and you must be aware of the principles laid down in other cases. To throw a doubt at this stage of the proceedings and to say that it might be anything at the sweet will and arbitrary will of the Government is wide of the mark and does not clinch the position. It is also not proper to import the Rent Reduction Bill into this business. To use it for the purpose of supporting your stand is not fair. You introduced the Act for the purposes of giving relief to the ryots and even the machinery set up under that Act has not completed its labours and if you reduce the rent and base the compensation on the reduced rent, would it not appear to be a device to thwart the principle enunciated under section 299 of the Government of India Act. I do not ask that importance should be given to my remarks but I suggest in all humility that you might consult legal authorities in this behalf. From the statement of Objects and Reasons and from the speeches of the Hon. Minister and the records available, they have proceeded upon the footing that the Regulation of 1802 has determined the annual value. I ask if it is correct to say that you are giving equitable compensation to Tanjore palayams if you proceed on that principle. What would you do if that point were raised—and I do not wish it—and if the other party succeeds—I hope you may succeed and I do not rule out that possibility—and the whole Bill is wrecked by a simple decision relying on section 299 of the Government of India Act? Should you not think over the matter calmly, should you not see the opposite side and see if there is any risk in this and should you not adjust yourself to the possible objection that might be raised? In all earnestness, I say, Sir, that so far as the Tanjore palayams are concerned, there is this defect that the basis you have adopted, even assuming it to be correct with regard to others, does not in terms apply. Let us see if the one-third rent is the proper basis for compensation; is it the proper basis? No. An equivalent in value has to be paid. Does it not depend upon the fertility of the soil; does it not depend upon the income that the zamindar is getting at the time when he is asked to part with his property? It does not merely depend upon the mathematical calculations embodied in the Regulation of 1802. I earnestly urge that we must proceed on the principle of compensation in the real sense of the word. Then, again, Sir, how is it that you have arrived at 17 or 12 crores; is it not a topsy turvy process to use the expression of my hon. Friend Mr. Govindacharyulu. Is it cutting the cloth according to the coat or the coat according to the cloth? I request the Government to

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embark upon an investigation upon the question of Tanjore palayams and southern zamindaris. Determine the figures of income on the basis of the fertility of the soil. There is also this complication in Tanjore which is not fully perceived by the Hon. Minister. These palayams are situated in two taluks, namely, Pattukkottai and Arantangi; they were originally dry taluks. But they became wet and fertile lands in 1934 when the Mettur Project began to serve the district by way of the Mettur Canal. Rain-fed lands have become very good wet lands and the income is much more than what it was previously. You have to find out what the interest of the zamindar is now worth under the present circumstances and if the compensation that you propose is equitable. If your mind had been addressed to that point and you have come to the decision you have, I have no quarrel. But I think that that point might have been ignored. Repeatedly the Hon. Minister has been referring to the Regulation of 1802 without reference to the fact whether it would apply to the Tanjore palayams and then the other point is that you must not proceed upon the rents reduced by the Reduction of Rent Act. Look at the records in Tanjore district. The Record of Rights was prepared in 1934 for collecting water-cess from the persons who would have the benefit of Mettur water-supply. The Record of Rights Register will show uniformly that they were all dry lands. But now all these have become wet lands, and not only that but also wet lands of good quality. The adoption of ryotwari dry rates in these taluks will not be sufficient and wet rates must be adopted and that must be the correct thing. I feel, Sir, that if the principles of the Bill were to be applied, compensation for the Tanjore palayams is not at all compensation within the eye of the law as contemplated under Section 299 of the Government of India Act. The compensation must be such as is contemplated by the Act and even the Constitution Act which is on the anvil also reproduces a similar provision and so, unless as Mr. Venkatarama Sastry said, you get Section 299 of the Government of India Act repealed, you have no escape."

DR. V. K. JOHN.—“Then why does the hon. Member support the Bill?”

SRI K. NATARAJAN :—“I will give my answer at the end. I can support the Bill subject to these observations and I shall devote some minutes to that question afterwards and I think I can satisfy my hon. Friend.

“There is another peculiarity in Tanjore with regard to inams. There is the Palace Estate what is called the 96 thottam villages and these are called inams and they come under the category of inams as it is now understood. They were the private property of the Rajah of Tanjore but when the Rajah of Tanjore died in 1852, the East India Company confiscated those private estates. The Rani Sahebas made unsuccessful attempts both at the Supreme Court and the Privy Council. Eventually what was taken away

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from them was returned back to them. The private property which belonged to the Rajah was returned back to his heirs in law. When that is so, when my private property is by force of law taken and confiscated and when it is given back to me, is it right to bring it under the category of 'Bikshandehis'. It is my property which I get back by force of equity and as of right and I am the owner of the property. The Government of the day committed the act of confiscating not only the throne but also the private property of the Rajah and they were bound on considerations of equity to return them. So the Rajah's heirs owned them though they were treated as inams by the Revenue authorities. A portion of that property has been the subject-matter of alienations long ago in favour of people who have parted with hard cash. It has just to be looked at on the footing of one's property being taken away by this Government and returned to me by it and when it is taken again I submit, that the equivalent of its value must be given and not on the basis of the Bill. This piece of argument might be shattered to pieces by the Hon. the Revenue Minister but that is logic. Memorials were sent to him requesting him to exclude the villages of the Palace estate from the category of inams and I am sorry to say they have not been given due attention. There are other inams for charitable institutions, for temples, etc. The charitable institutions are chatrams generally under the management of the district board. They were vested in the Government originally but now they are vested in the district board. Strangely enough the Prakasam Committee dealing with the district board chatrams, made a very strange remark that this is the property of the Government."

The House rose for the day to meet again at 11 a.m. on Monday, the 22nd November 1948.